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COUNTY CONSTABLE'S MANUAL

OR

HANDY BOOK.

BY

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HIGH CONSTABLE OF THE COUNTY OF YORK.

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PREFACE.

Having been requested by several Justices of the Peace for the County of York to compile a Handy Book or Manual for the assistance of County Constables (many applications having been made to me by the latter), and admitting the actual necessity for the same, in a cheap and portable form, I have been induced to compile from the various works already issued on the subject, and from the statutes, the following, which, I trust, will, for the present, answer the demand and the purposes for which it is intended. It has been said by a very able writer that, "As every subject is interested in the preservation of the laws, it is incumbent on every man to be acquainted with those, at least, with which he is immediately concerned, lest he incur the censure, as well as the inconvenience, of living in society without knowing the obligations it lays him under." And this has especial force when applied to officers of the

law; for the preservation of the public peace, and the due administration of justice, greatly depend on the efficiency of subordinate officers.

I may add, that I have taken the liberty of quoting from the "Constable's Assistant" of Hon. James Patton, Q.C., the "Constable's Guide" of the Hon. Adam Wilson, Chief Justice, and the "Toronto Police Force Regulations." The subjects will be found in alphabetical form, with the statutes relating to the same, which, I think, will be found useful to Justices of the Peace as well as to County Constables.

J. T. JONES,

High Constable, County of York.

THE Constable's Manual.

Abduction—32-33 Vic., Cap. 20, ss. 54, 56.

Abduction of a woman against her will from motives of lucre. Fraudulent abduction of a girl under age against the will of her father, etc. Forcible abduction of any woman with intent to marry or carnally know her.

Abortion, or Attempt to Procure—32-33 Vic., Cap. 20, ss. 59-60.

Administering drugs or using instruments to procure abortion. Procuring drugs, instruments, etc., with intent to cause abortion.

Accessories and Abettors—31 Vic., Cap. 72.

An accessory is one guilty of felony or misdemeanor, not as a principal, but by participation, command, advice, or concealment. In high treason there can be no accessories, as all concerned are considered principals.

An accessory before the fact is one who, being absent at the time the crime is committed, doth procure, counsel, or advise the commission of it; and his absence is necessary to constitute him an accessory.

Accessories after the fact are those who, knowing the felony to have been committed by another, receive, relieve, comfort, or assist the felon (1 Hale 618).

Accessories and abettors by the above statute may be punished in all respects as principals; and by 32 & 33 Vic., cap. 31, s. 15, aiders and abettors of offences punishable on summary conviction are liable to the same forfeiture and punishment as the principal offender.

Adulteration of Food, etc.—37 Vic., Cap. 8, ss. 22-24.

The penalty on persons mixing deleterious articles with food or drink is \$100 and costs for the first offence, and for the second offence, imprisonment for a period not exceeding six calendar months, with hard labour.

41 Vic., cap. 11, sec. 1, ordains, "That every person who shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance and quality of the article demanded by such purchaser, shall, for such offence, on conviction, incur and pay a penalty of \$100, with costs, and for a second offence \$200 and costs."

Sec. 2 says, "That every person who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter, but not the legitimate produce of the dairy, and not made exclusively of milk or

cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp brand, or mark upon every tub, firkin, box or package of such article or substance, the word 'oleo margarine;' and, in case of retail sale, deliver to the purchaser a written or printed label with the words 'oleo margarine' thereon."

Affray.

An affray signifies the fighting of two or more persons in some public place to the terror of Her Majesty's subjects. An affray differs from a riot in this, that two persons only may be guilty of it; whereas, three persons at least are necessary to constitute a riot. A constable is not only empowered, but bound to suppress an affray which happens in his presence, and he may demand the assistance of others to enable him to do so, which, if they refuse, they are punishable by fine and imprisonment (1 Hawkins, cap. 63, ss. 3-13).

Animals, Cruelty to—43 Vic., Cap. 38.

Whosoever wantonly, cruelly, or unnecessarily beats, ill-treats, tortures or over-drives any cattle, poultry, dog, or domestic animal or bird, or whosoever, driving any cattle or other animal, is by negligence or ill-usage the means whereby any mischief, damage or injury is done by any such cattle or animal; and any person who in any manner encourages, aids or assists at the fighting or baiting

of any bull, bear, badger, dog, cock or other kind of animal, whether of a domestic or wild nature, shall, for every such offence, be punished by imprisonment for three months, with or without hard labour, or by a fine not exceeding \$50, before a Stipendiary Magistrate or two Justices of the Peace.

Sec. 2. Whosoever builds, makes, maintains, or keeps a cockpit on premises belonging to or occupied by him, or allows a cockpit to be built, made, maintained, or kept on premises belonging to or occupied by him, shall be punished by imprisonment not exceeding three months, with or without hard labour, or by a fine not exceeding \$50, or by both, before a Stipendiary Magistrate or two Justices of the Peace; and all cocks found in any such cockpit, or on the premises wherein such cockpit may be, shall be confiscated and sold for the benefit of the municipality in which such cockpit is situated.

32-33 Vic., cap. 27, sec. 4, authorizes, constables or other peace officers, or the owner of any such cattle, animal or poultry, upon view thereof, or upon the information of any other person (who shall declare his or their name or names and place of abode to said constable or peace officer), may seize and secure by the authority of this act, and forthwith, and without any other authority or warrant, may convey any such offender before the authorities within whose jurisdiction the offence has been committed.

Sec. 8 entitles the prosecutor to receive costs and moiety of fine.

38 Vic., cap. 42, provides that cattle, etc., on railways and vessels are not to be kept more than 28 hours without unloading them for rest, water, and food, for a period of at least five consecutive hours, unless prevented by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains.

And sec. 6 empowers a constable or peace officer at all times to enter on premises where he has reasonable grounds for supposing that any car, truck or vehicle, or enter on board any vessel, in respect whereof any company or person has failed to comply with the requirements of this Act, is to be found, and if any person refuses admission to such officer or constable, such person shall be deemed guilty of an offence against this Act.

Appointment of Constables—Rev. Stat. Ont., Cap. 82.

The Justices may, from time to time, at any sitting or adjourned sitting of the Court of General Sessions of the Peace, appoint a County High Constable and a sufficient number of fit and proper persons to act as constables in each township, incorporated village, police village, and place within the county, and may in like manner, from time to time, in their discretion, dismiss any constable so appointed.

To prevent injurious delays arising from the long intervals between the sittings of the General Sessions, the County Judge may at any time appoint constables for the county of which he is Judge.

Persons appointed shall, before entering on the duties of their office, take and subscribe the following oath, which any Justice of the Peace may administer.

Oath of Office.

I, A. B. , having been appointed constable for the county of , do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office, according to the best of my skill and ability.

So help me God.

Sworn before me, etc.,

J. P.

"If a constable, duly appointed and notified, refuse to take the necessary oath, or refuse to execute the office, he is guilty of a serious offence, and may be punished by fine or imprisonment. It is not necessary there should be an actual refusal, for if the party do not attend to be sworn in before the Justice, or afterwards do not execute his office, it is evidence of his refusal to do so, and for this he may be indicted either at the Assizes of Oyer and Terminer or General Sessions. (Archbold, C. P., 933; Burns, J. P., 1085).

"If a constable refuses to be sworn, a Justice of the Peace may at once bind him over to the Oyer and Terminer or General Sessions to answer for contempt, but there is no power vested in Magistrates to punish by summary conviction." (Dalton, cap. 28).

Who may be appointed.—"As a general rule, every male of the age of 21 and under 60, being an inhabitant of the place for which he is chosen, may be appointed to, and is compellable to execute the office of constable. The law requireth that every constable be apt and fit for the execution of the office, and he is said in law to be apt and fit who hath these three things—Honesty, Knowledge and Ability. Honesty to execute his office truly without malice, affection or partiality; knowledge to understand what he ought to do; ability, as well in substance or estate as in body, that so he may intend and execute his office diligently, and not through impotency of body or want to neglect his place."

The following classes of persons are, among others, exempt from appointment: Superior officers of the law, justices of the peace, coroners, clergymen in holy orders, teachers or preachers of any congregation for religious worship, practising barristers, physicians, surgeons, practising attorneys and solicitors; officers and men of the Queen's forces, including officers and men of enrolled militia; firemen, when enrolled according to law; foreigners. No man that keeps a public house ought to be a constable. Subordinate officers in the administration of justice would be relieved, on application, or removed, and others be appointed in their stead by the General Sessions, on representation to that tribunal. If a very ignorant or poor person, or a person weak of body, be chosen, he may be discharged, and an able person appointed in his room. (Patton, Burns Justice and Dalton; Stats. 9 Vic., cap. 28, and 12 Vic., cap. 36).

Assistant Constables—(Tottens tariff, page 31).

Shall forward their own accounts certified by the magistrate, that the charges are correct, and that assistance was necessary.

Arrest.

An arrest is the apprehending or detaining of the person in order to be forthcoming to answer an alleged or suspected crime. The constable should not merely content himself with securing the offender, but should actually arrest him, so that if he escape or is rescued by others, he or they may be subject to the penalties of escape or arrest. To constitute an arrest the party should, if possible, be touched by the constable, who should say, *I arrest you*, or *You are my prisoner*. Bare words will not make an arrest without laying hold of the person or otherwise confining him. But if an officer come into a room and tell the party he arrests him, and locks the door, this is an arrest, for he is in custody of that officer ; or if in any other way the person submit himself by word and action to be in custody, it is an arrest. (Patton).

Every officer, upon demand made upon him, must shew the warrant under which he arrests or distrains. (Wilson, P. 51-52).

If the party snatch or take the warrant, the constable has a right to force it from him, using no unnecessary violence in doing so.

Where a constable has made an arrest with or without warrant, he should as soon as possible bring the party

before the Justice according to the terms of the warrant ; and if guilty of any unnecessary delay he will be liable to punishment ; but if the arrest be made in or near the night, or at a time when the prisoner cannot well be brought before the Justice, or if there be danger of rescue, or the party be ill and unable then to be brought up, the constable may secure him in the county gaol, in a lock-up house, or other safe place, till the next day, or until it may be reasonable to bring him up before the Justice ; but a warning is again given against any unreasonable detention. (Patton). In case a lock-up be found most convenient, it will be necessary to employ a constable to watch the prisoner at night, unless the municipality in which the lock-up is situate keep a watchman for this purpose.

32-33 Vic., cap. 31, sec. 6 (Summary Convictions.) It is laid down that where a warrant is issued in the first instance, the Justice issuing it shall furnish a copy or copies thereof, and cause a copy to be served on each party arrested at the time of such arrest.

Assault and Common Assault and Battery—32-33 Vic., Cap. 20, sec. 43.

Where any person unlawfully assaults or beats any other person, any Justice of the Peace, upon complaint by or on behalf of the party aggrieved praying him to proceed summarily on the complaint, may hear and determine such offence, and the offender shall, upon conviction thereof before him, at the discretion of the Justice, either be committed to any gaol or place of confinement other

than the penitentiary, there to be imprisoned, with or without hard labour, for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to the Justice to be meet, not exceeding the sum of \$20, together with costs (if ordered) ; and if such fine so awarded, together with costs (if ordered), are not paid, either immediately after the conviction, or within such period as the said Justice shall at the time of the conviction appoint, he may commit the offender to any gaol or place of confinement other than a penitentiary, there to be imprisoned for any term not exceeding two months, unless such fine and costs be sooner paid. Sureties for the peace cannot be required in addition to this punishment, (Oke).

An assault is an attempt or offer with force and violence to do a corporal hurt to another : as by striking at him with or without a weapon, or throwing a stone or riding at him ; and where A. seized the bridle of the horse on which B. was riding, it was held that B., after a request to A. to desist, was justified in striking A. with his riding whip, using no more violence than was necessary to obtain his release ; or striking a horse whereon he is riding, whereby he is thrown ; or presenting a loaded gun at him at a distance to which the gun can be discharged ; cutting off a person's hair by force against his will ; or holding up the hand in a threatening manner ; or any other circumstance denoting at the time an intention, coupled with a present ability of using actual violence against the person, and although stopped at the particular moment, a hostile intention being necessary to constitute an assault ; and likewise any excess of violence in executing any legal

or illegal act will constitute an assault ; a mere obstruction is not an assault, but every unlawful imprisonment is an assault. A battery is an injury, however small, actually done to the person of another in an angry, revengeful, rude or insolent manner, as by spitting in his face, or in any way touching him in anger, violently jostling him out of the way, or the like ; which battery includes an assault, (Oke).

Assaults, Aggravated—32-33 Vic., Cap. 20, s. 36-42.

Are such as are committed by persons with intent to commit felony or some illegal act ; assaulting a magistrate, constable, or revenue officer in the execution of his duty, or upon any person acting in aid of such officer or constable ; or upon any person with intent to resist or prevent the lawful apprehension or detainer of himself or any other person ; any assault committed in pursuance of any combination to raise the rate of wages ; assaults with intent to obstruct the sale of grain, flour, meal, potatoes, malt, or other produce or goods ; assaulting any seaman, stevedore, ship-carpenter, etc., with intent to hinder or prevent him from working at or exercising the same ; obstructing or assaulting a clergyman or other minister in the discharge of his duties, and assaulting any magistrate, officer, or other person lawfully authorized in on account of the exercise of his duty, in or concerning the preservation of any vessel in distress, or of any vessel, goods or effects wrecked, stranded, or cast on shore, or lying under water.

Assault, Indecent—32-33 Vic., Cap. 20, sec. 53.

Whosoever shall be convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under twelve years of age, shall be liable to be imprisoned in any gaol or place of confinement other than a penitentiary, for any term less than two years, with or without hard labour, and with or without whipping.

Auctioneers—Rev. Stat. Ont., Cap. 174, s. 465, s-s. 2.

The council of any county, city and town separated from the county for municipal purposes, may pass by-laws " For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise, or effects by public auction ; and for fixing the sum to be paid for every such license, and the time it shall be in force.

Bathing—Rev. Stat. Ont., Cap. 174, sec. 461, s-s. 34.

Authorizes the Councils of every township, city, town or incorporated village to pass a by-law " For preventing or regulating the bathing or washing of person in any public water in or near the municipality

Batons

Are issued to each constable, and if lost or damaged through carelessness are not to be supplied except by special application of a Justice of the Peace. Batons are supplied to enable constables to protect themselves if violently attacked. If a constable is likely to be overpowered, he may use his baton, taking care to avoid

striking on the head. The arms and legs should be aimed at to disable a prisoner as parts of the frame least likely to suffer serious injury. The use of the baton is not to be resorted to except in extreme cases, when all other attempts have failed, and a prisoner is likely to escape through the constable being ill-used and over-powered.

Beggars—32-33 Vic., Cap. 28,

Are to be apprehended and charged with this offence under the Vagrant Act. See also Public Morals and Vagrants.

Bigamy—32-33 Vic., Cap. 20, sec. 58.

Birds, Insectivorous.—Rev. Stat. Ont. 201.

The Act for the protection of insectivorous and other birds beneficial to agricultural is one specially demanding the attention of county constables, and declares that it shall not be lawful to shoot, destroy, wound or injure, or to attempt to shoot, destroy, kill, wound or injure any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, kingfishers, jays, crows, ravens, plovers and blackbirds (41 Vic., cap. 22), and the birds especially mentioned in the Act for the Protection of Game and Fur-bearing animals, nor to apply to any imported cage birds, or other domesticated bird or birds generally known as cage birds, or to any bird or birds commonly known as poultry.

Neither shall it be lawful to take, capture, buy, sell, expose for sale, or have in possession any bird whatsoever save the kinds so excepted, or to set any net, snare, trap, cage or other machine for taking or capturing them, nor to take their nests, young or eggs of any bird unless those excepted.

Any person may seize on view any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive, to be liberated; and it shall be the duty of all market clerks, policemen and constables on the spot, to seize and confiscate, and if alive, to liberate such birds.

A violation of this Act subjects the offender to a fine not exceeding \$20, and not less than \$1, with costs on conviction before one Justice of the Peace. Prosecutor to have all the fine if he is not in collusion with defendant, and in default the offender imprisoned in the common gaol for a period of not less than two and not more than twenty days.

The Commissioner of Agriculture and all persons whom he may authorize may grant written permission to any person or persons desirous of obtaining birds or eggs for scientific purposes.

41 Vic., cap. 22, Ont., declares, That rails may be shot between the first day of September and first day of January.

44 Vic., cap. 29, Ont., gives power to any one to shoot robins and cherry birds on his own premises for the protection of his fruit from the attacks of such birds.

Breaking Open Doors.

Breaking open an outer door or window to enter a man's house, is an objectionable and dangerous proceeding, and should only be resorted to in extreme cases. The peace and security of private dwellings is a matter of great importance. It is only in matters of high concern to the public, and to prevent the ends of justice being frustrated, that the law permits its officer to have recourse to this obnoxious proceeding.

The officer is therefore in no case justified in breaking open outer doors, or the windows or other parts of a house, until—

1. He has declared his business; 2, demanded admission; and, 3, allowed a reasonable time for opening them to elapse, and they have not been opened in that time.

Under warrant.—Upon a warrant for felony or suspicion of felony, or to compel sureties of the peace, or for a breach of the peace, the constable to whom a warrant is directed may break open outer doors to effect an arrest, if the party is in his own house, or has taken refuge in the house of another, after notification demand and refusal, as has been already stated. (Patton). A constable may break in to apprehend on a capias founded on indictment for any crime, or in the daytime on a warrant to search for stolen goods, if accompanied with a direction to bring the party before a Justice, or to enforce the law where a forcible entry or detainer is found by Justices, either on an inquest or their own view, or on a warrant of Justices

for levying a fine or execution of a judgment on conviction grounded on a statute that gives all or any part of the penalty to the Queen. (Wilson).

Without warrant.—The constable's authority to break open doors by virtue of his office, as conservator of the peace acting without a warrant, is strictly confined to cases where an actual breach of the peace is committed in his view, or where he sees a felony committed, or has grounds to apprehend that a felony is likely to be committed, or if an affrayer run into a house to escape arrest, the constable in hot pursuit would be justified in effecting an entrance by force to take him. (Nevertheless, in mere breaches of the peace, if he know the parties he had better obtain a warrant instead of taking this course.) Also where a violent affray is going on in a house in the view or hearing of a constable, which is likely to result in bloodshed or loss of life (as where there is a violent cry of murder in the house), the necessity of the case will authorize the constable to get into the house in the readiest manner he can, to stop the affray and prevent further violence or bloodshed.

Where one is known to have committed a felony or given a dangerous wound, and is pursued by a constable who is denied admittance into a house wherein the offender is sheltered, the door may be broken in order to take him. It would, however, be otherwise, if there was only a mere suspicion of guilt; a warrant should be obtained.

If the house in which an offending party is supposed to

have taken refuge is not his own house, the constable should be sure that the felon is there; for, if not there, the constable would in most cases be considered in law a trespasser. (Patton.)

So, if there be noise or disorderly conduct or drinking in a house at an unreasonable time of the night, and particularly in a tavern, he may break open the house to put a stop to it.

If an officer have entered the house in a legal manner, and the outer door is fastened upon him, he and others in his aid may break open the door to set him at liberty.

The maxim that "Every man's house is his castle," only applies to the dwelling house. (Wilson).

Bridges, Driving on.—Rev. Stat. Ont., Cap. 174, s. 454.

The council of every county, township, city, town, and incorporated village may pass by-laws to govern above.

Brothels.

It is the duty of county constables to observe all places of this nature in their respective townships, towns and villages, and report same to the nearest Justice, with the names of the keepers and frequenters thereof.

Burglaries.

The breaking into or breaking out of a dwelling house between the hours of 9 p.m. and 6 a.m., with intent to commit a felony, constitutes the offence of burglary.

When a burglary has been committed, the constable should proceed at once to the premises and obtain all the particulars as to the breaking into, the entry, description and nature of property stolen, or other felony committed, and also as to any suspicious persons seen loitering in the neighbourhood.

Immediate inquiries are to be made, and any clue that may be obtained followed up with a view to arrest the offenders.

By-Laws.

The Revised Stat. Ont., Cap. 174, authorize municipalities to pass certain by-laws for the good government in their respective municipalities. By section 282 of this Act, a copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation and certified to be a true copy by the clerk and any member of the council, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of the seal or signature, unless it is specially pleaded or alleged that the seal, or one or both of the signatures have been forged. Constables should supply themselves with copies of the by-laws of the county and municipalities within the same, in order that they may become more acquainted with their duties and render themselves more effective and beneficial in their respective localities; which they can do on application to the clerks of the municipalities.

Constables.

A constable must readily and strictly obey all lawful orders of Justices of the Peace, coroners, and the officers placed over him by the General Sessions of the Peace.

He must be very civil and respectful in his demeanor and conduct to the public, giving the best answers he can to the numerous questions which will be put to him, and showing at all times a readiness to do all in his power to oblige consistently with his duty.

He is to speak the truth at all times and under all circumstances, and when called upon to give evidence, to state all he knows respecting the case without fear or reservation, and without any desire to influence the result, either for or against the prisoner.

To enable him to speak quite confidently and to prevent the possibility of his evidence being shaken, he is to jot down at the time in his memorandum book dates and other particulars respecting arrests or occurrences, to which he can always refer.

When called upon by a person to take another into custody, he must be guided in a great measure by the circumstances of the case and the nature of the charge or offence; but if he have any doubt as to how he ought to act, the safest course is to ask all the persons concerned to go with him to the nearest Justice, who will direct the constable.

If a constable is called upon to act he must do so with energy, promptness and determination, for, if he wavers or

doubts, the criminal may escape, or the opportunity to render assistance may be lost. (T. P. F. Reg).

(*Authority*)—The authority of constables is general and special, the office partaking of the nature of both. The general authority accrues by virtue of their own right as officers; the special authority accrues by the right of some one else. All constables are conservators of the peace by right of their office, and are also the immediate and proper officers of Justices of the Peace.

Constables, by virtue of their inherent powers, may act without warrant in the prevention of crime, and for the arrest of offenders. (See *Warrant, arrest without*.)

As the immediate and proper officers of Justices of the Peace, constables act under, and are bound to obey, the lawful mandates of the magistrates of their county.

The office of constable in Canada is coincident with the introduction into the Province of the commercial law of England. It is of great antiquity; but whether constables came in with Justices of the Peace, or existed at common law in England, is of little moment to us; but the law-writers who have examined the question say that constables existed as subordinate conservators of the peace long before Justices of the Peace were made by the 1st Edward III., A.D. 1327.

Coroners' Constables.

It will be the duty of a constable, should a death occur from violence or unfair means, or through culpable or negligent conduct (of any other person than deceased), to

notify the nearest coroner while the body is fresh, and, if possible, while it remains in the same situation as when the party died. He should attend the coroner when he arrives, and if the coroner considers an inquest necessary, the constable, on receiving the warrant to summon the jury, should immediately summon and make his return thereon. The constable officiating at an inquest opens the proceedings by proclamation, assists the coroner, preserves order, and is to obey all lawful orders of the coroner. The coroner has by law the right to do all acts which are necessary to enable him to hold his inquest on the view of the body; and as incidental to this right, he could break open doors to get at the body; and those who obstruct him in so doing are guilty of a misdemeanor, and a constable who is present is bound to protect him.

(Proclamation before calling jury). Oyez, Oyez, Oyez, You good men of this county summoned to appear here this day, to inquire, for our Sovereign Lady the Queen, when, how, and by what means R—— F—— came to his death, answer to your names as you shall be called, every man at the first call, upon the pain and peril that shall fail thereon. God save the Queen.

(Proclamation for default of jurors). Oyez, Oyez, Oyez, You good men who have been already severally called, and have made default, answer to your names and save your peril. God save the Queen.

(Proclamation for witnesses). Oyez, Oyez, Oyez. If any one can give evidence on behalf of our Sovereign Lady the Queen, when, how, and by what means R—— F——

came to his death, let him come forth, and he shall be heard. God save the Queen.

(Proclamation of adjournment). Oyez, Oyez, Oyez. All manner of persons who have anything more to do at the court before the Queen's coroner for this county, may depart home at this time, and give their attendance here again (or at the adjourned place) on next, being the day of instant, at of the clock, in the precisely. God save the Queen.

(Proclamation at adjourned meeting). Oyez, Oyez, Oyez. All manner of persons who have anything more to do at this court before the Queen's coroner for this county on this inquest now to be taken and adjourned over to this time and place. draw near and give your attendance; and you gentlemen of the jury, who have been impannelled and sworn upon this inquest touching the death of R—— F——, severally answer to your names and save your recognizances.

(Proclamation at the close of inquest). Oyez, Oyez, Oyez. You good men of this county who have been empannelled and sworn of the jury to inquire, for our Sovereign Lady the Queen, touching the death of R—— F—— and who have returned your verdict, may now depart hence and take your ease. God save the Queen.

Coin, Counterfeit—32-33 Vic., Cap. 18, s. 33.

In all charges relating to counterfeit coin, offenders are to be arrested on view, and immediately searched in the place where they are taken into custody, and in the presence

of the complainant when the circumstances admit of its being done, or otherwise to take such precaution as will prevent the prisoners making away with false coin or other evidence of guilt.

Any persons having in their possession counterfeit notes and attempting to cheat or defraud by exhibiting such notes are to be arrested.

Concealed Weapons—32-33 Vic., Cap. 20, s. 72.

Any person carrying a bowie-knife, dagger, or dirk, iron knuckles, skull-crackers, slung-shot, or other offensive weapons of a like character, or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale, publicly or privately, any such weapon, is an offence for which, on conviction before any Justice of the Peace, he is liable to a fine of \$40, and in default to be imprisoned for a term not exceeding thirty days. (See also *Fire Arms*).

Depositions.

Constables are not expected to sign depositions before Justices unless previously read over to them, and known to be an accurate statement of their evidence. When constables are concerned in cases sent for trial, notes of evidence given by them in their depositions before the committing Justices are to be made and kept, in order that they may refresh their memory before being called upon to give evidence at the trial, and so prevent any discrepancy occurring.

Distrain of Goods on Premises.

In cases where a distrain is made for non-payment of rent, or for any other cause, or disputes arise between persons as to ownership of property seized under legal process, constables are not to give assistance to either, or interfere between them, on any pretence whatever, nor to enter the house or the premises unless it is necessary to prevent an immediate breach of the peace, or to quell a disturbance that has actually arisen, and are on such occasions merely to take offenders into custody, as they are authorized by law so to do. (T. P. F. Reg).

Distress Warrant.

The warrant to levy a pecuniary fine or penalty on a summary conviction is given by express authority of particular statutes. A constable is the proper officer to execute it, and if it be delivered to him a reasonable time before the day appointed for the return, he is bound to execute and return it, and he is indictable for refusal or wilful neglect. (Patton). When a constable finds that there are no goods, or not enough of goods to levy the amount, he will endorse the warrant as follows (32-33 Vic., cap. 31, sec. 62, Form N. 4):

I, A—— B——, constable of the county of
hereby certify to C—— D——, Esquire, one of Her
Majesty's Justices of the Peace for the said county, that,
by virtue of this warrant, I have made diligent search for
the goods and chattels of the within mentioned E——

F——, and I can find no sufficient goods or chattels of the said E—— F—— — whereon to levy the sums within mentioned.

Witness my hand this day of , one thousand eight hundred and eighty

A—— B——.

The 32-33 Vic., cap. 31, s. 83, provides "that, in all cases where a warrant of distress has issued against any person, and such person pays or tenders to the constable having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the expenses of the distress up to the time of payment or tender, the constable shall cease to execute the same."

Constables are specially cautioned against levying for an amount less than that mentioned in warrant, and in no case are to take a portion on account of any penalty.

Disturbing Religious Worship, Meetings, &c.—32-33 Vic., cap. 20, sec. 37,

Enacts "That whoever wilfully disturbs, interrupts or disquiets any assemblage or persons met for religious worship or for any moral, social or benevolent purpose, by profane discourse, by rude and indecent behaviour, or by making a noise, either within the place of such meeting or so near it as to disturb the order or solemnity of the meeting may be arrested on view by any peace officer present at such meeting, or by any other person present, thereto verbally authorized by any Justice of the Peace present thereat, and detained until he can be

brought before a Justice of the Peace, and may be fined \$20 and costs by such Justice.

Dogs.—Rev. Stat. Ont., Cap. 194, sec. 6,

Enacts "That in all cases when parties have been assessed for dogs, and the collector has failed to collect the taxes authorized by the said Act, he shall report the same under oath to any Justice of the Peace, and such Justice shall by order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owner or owners thereof, and if such owner or owners neglect or refuse to obey the said order, he or they shall be liable to the penalty to be recovered before a Justice of the Peace, as provided in sec. 16 of the Act, and in case any collector neglects to make the aforesaid report within the time required for paying over the taxes to the municipality, he shall be liable to a penalty of \$10 and costs, to be recovered also under sec. 16."

Rev. Stat. Ont. cap. 174, s. 461, s-s. 10, authorizes the council of every city, town and incorporated village to pass a by-law for restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors or harbourers of dogs.

Doors of Churches, Theatres, &c.—Rev. Stat. Ont., Cap. 192,

Enacts "That in all churches, theatres, halls or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that

they may open freely outward, and all gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used. to facilitate the egress of people in case of alarm from fire or other cause.

Individuals, companies, and corporations owning or possessing public halls, churches, or other buildings used for public meetings, shall be liable to a fine not exceeding \$50, on conviction before two Justices, and \$5 per week for every week succeeding that in which the complaint was laid, if the necessary changes are not made. Half fine to the person laying the information.

Constables in cities, towns, or incorporated villages are required to enforce the provisions of this Act, under a penalty not exceeding \$50. Act shall not be construed to apply to convents and private chapels connected therewith.

Drink—Rev. Stat. Ont., cap 174, sec. 461, s-s. 25.

The council of every township, city, town, or incorporated village may pass a by-law "For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector."

Driving on Roads or Bridges—Rev. Stat. Ont., cap. 174, s. 454.

The council of every county, township, city, town, and incorporated village may pass a by-law "For regulating the driving or riding of horses and other cattle on high-

ways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon." (See also *Furious Driving*).

Drunk or Disorderly—Rev. Stat. Ont., cap. 174, s. 461, s.s. 32.

The council of every township, city, town, or incorporated village may pass a by-law "For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place."

Escape—32-33 Vic., cap. 29, s.s. 84-85.

Constables who, after arrest, negligently allow a prisoner to escape, are punishable with fine. If they voluntarily permit it, they are deemed guilty of the same offence, and are liable to the same punishment, as the prisoner who escapes from their custody; and this, whether the latter has been committed to gaol or only under bare arrest. But the officer cannot be thus punished for a felony until after the original offender has been convicted.

Before the conviction, however, he may be fined and imprisoned for a misdemeanour.

Evidence.

Constables are to give evidence with the strictest accuracy. Questions of the highest interest are decided, and the administration of justice must in a great measure depend on the trustworthiness of their evidence.

They are habitually to make accurate observation of

all matters relating to duty, that they may be able, if required, to state all the circumstances.

Notes should be made by them, at the time, of the particulars of a case, to refresh the memory, if called on to give evidence.

They are not to suppress or overstate the slightest circumstance with a view to favour one person, or from ill-will to either side.

They are to endeavour as far as possible to feel indifferent as to the results of cases, and they perform their duty best by stating accurately and without malice or favour all the particulars they know.

When constables are sufferers from injuries received, and are giving evidence against those whom they believe to be guilty, it is especially necessary that they should not allow any feelings or wishes as to the decision of the case to influence them.

Greater weight will always be given to the evidence of constables if they state fully and without passion all they know, and make it evident that they are speaking the whole truth.

They are to be especially careful to state all they know upon the first occasion, for if they afterwards add to their evidence in any material point, it is naturally looked on with mistrust, and is open to suspicion either as to accuracy or veracity.

Any constable who wilfully departs from the truth is utterly unfit for the service, and should be immediately dismissed.

Constables are not to enter into conversations or statements when before a magistrate, upon any matter except such as the charge under investigation makes it their duty to mention.

If constables give improper or unsatisfactory evidence, or any remarks are made respecting the evidence of constables by judges, magistrates or juries, it will be the high constable's duty to investigate the same, and report to the Chairman of the General Sessions. (Adapted from T. P. F. Reg).

Expenses.

In cases where expenses are incurred by constables conveying prisoners, hire of conveyance, railway fares, meals supplied, etc., an accurate account of all such expenditure should be kept by the constable in his memorandum book, and vouchers showing the full particulars, date, etc., to send to the county board of audit, with the quarterly accounts, if necessary.

Exposing Children, whereby life is endangered—32-33 Vic., cap. 20, s. 26.

Extortion.

Extortion is an abuse of public justice, consisting in the unlawful taking by an officer, by colour of his office, of any money or thing of value, where either none at all is due to him, or not so much is due, or before any is due.

This offence, it has been justly observed, may be, in some cases, considered more odious than robbery, because it carries with it an appearance of truth, and is

often accompanied with perjury by the breach of an oath of office. The punishment for the offence at Common Law, is by fine and imprisonment, and also by a removal from the office, in the execution of which it was committed. And there is a further additional punishment by the Statute of Westminster, 1, (3 Ed. I., c. 26), by which any sheriff or other king's officer who shall take any reward to do his office, shall yield twice as much, and shall be punished at the king's pleasure; under which Statute an action lies also to recover this double value. (3 Com. Dig. 323).

But justices of the peace whose office was instituted after the Act, are bound by their oath of office to take nothing for the execution of their office but of the king, and fees accustomed, and costs limited by Statute. And generally, no public officer can take any other fees or rewards than those given him by Statute, or such as have been anciently and accustomably taken, without being guilty of extortion. (Dalton, c. 41).

Any person may take action to recover the penalty of twenty pounds against any one who demands a greater fee than that which is established. (26 Geo. II., cap. 14, sec. 2).

False Pretences.

See *Obtaining Money or Goods by False Pretences*.

Fees.

See *Tariff of Fees*.

Felony.

Felony includes the higher class of offences, a list of which will be found in Appendix A.

Constables are bound to arrest any person committing a felony on view, and he is justified in apprehending a person on suspicion of felony, if he have reasonable or probable cause to believe that the party charged is the felon without warrant.

Ferries—Rev. Stat. Ont., Cap. 112, sec. 10,

Enacts " That any person unlawfully interfering with the rights of any licensed ferryman by taking, carrying and conveying at any such ferry across the river or stream on which the same is situate, any person, cattle, carriage, or wares in any boat, vessel, or other craft for hire, gain reward, profit, or hope thereof, or unlawfully does any other act or thing to lessen the tolls and profits of any lessee of the Crown of any such ferry, such offender, upon conviction thereof before a Justice of the Peace, shall forfeit and pay a sum of money not exceeding \$20 and costs, and in default imprisoned in the common gaol for any term not exceeding two months."

Certain municipalities are authorized to make by-laws to govern ferries, which must have the Lieutenant-Governor's assent.

Fire-Arms, Carrying—40 Vic., Cap. 30,

Provides for the punishment of an offender having a pistol or air-gun on his person, without reasonable cause to fear an assault or other injury to his person, family or

property; also, whoever, when arrested either on warrant issued against him for an offence, or whilst committing an offence, has upon his person a pistol or air-gun, shall be liable to a fine not exceeding \$50, or imprisonment for three months; also, having a pistol or air-gun on his person, with intent to do injury to another person, shall be liable to a fine of \$200, or imprisonment for six months.

Whosoever, without lawful excuse, points at another person any fire-arm or air-gun, whether loaded or unloaded, shall be liable on conviction thereof to a fine of not less than \$20, or more than \$50, or to imprisonment in any gaol or place of confinement for a term not exceeding thirty days.

Nothing in this act shall be held to affect any right of any soldier, sailor or volunteer in Her Majesty's service, constable or policeman to carry loaded pistols in the discharge of his duty.

Fish.

By order in Council of the 19th day of September, 1876, it was ordered that "no person shall fish for, catch, kill, buy, sell or possess any whitefish or salmon trout between the first and tenth days of November (both days inclusive), in each year, in the Province of Ontario."

By order in Council of the 8th October, 1877, it was ordered that "no person shall fish for, catch, kill, buy, sell or have in possession any speckled trout (*Salmo Fontinalis*) between the fifteenth day of September and the first May, in the Province of Ontario, and between the first day of October and the thirty-first day of December, in each year, in the Province of Quebec."

By order in Council of the 16th May, 1879, it was ordered that "in the Provinces of Ontario and Quebec no person shall fish for, catch, kill, buy, sell or possess any bass, pickerel (doree) or maskinonge, between the 15th day of April and the 15th day of May in each year."

And by order in Council of the 11th day of June, 1879, the following fishery regulation was made and adopted:—

"Fishing for salmon in the Dominion of Canada, excepting under the authority of leases or licenses from the Department of Marine and Fisheries, is hereby prohibited."

Foot-Marks.

In some cases the proof of comparison of foot-marks has failed from the shoe or boot being put on the mark, when it is desirable to ascertain whether the foot-marks left at any place correspond with those of a person suspected. The shoe or boot used to compare should not be laid upon the foot-mark, but a separate impression is to be made with the shoe or boot, which may be compared with the foot-marks. Care must be taken not to obliterate by walking over or near the foot-marks required for comparison.

Forgery.—32-33 Vic., Cap. 19.

Furious Driving—32-33 Vic., Cap. 20, sec. 34.

Provides that whosoever, having charge of any carriage or vehicle, by wanton or furious driving, or racing, or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person whatsoever, is guilty of a misdemeanour, and liable to imprison-

ment for any term less than two years. (See *Driving on Roads, etc.*)

Gambling.—32-33 Vic., Cap. 21, sec. 97.

Persons winning or obtaining money or property, from any other person, by any fraud, or unlawful device, or ill-practice, in playing any game of cards or dice, or of any other kind, or at any race, or in betting on any event, shall be held to have unlawfully obtained the same by false pretences, and shall be punished accordingly; and 40 Vic., cap. 32, makes provision for the punishment of persons obtaining money or property by gambling in railway cars and steamboats, used as public conveyances for passengers, by means of "three card monte," or of any other game of cards, dice, or other instrument of gambling, or by any device of like character, and confederates are liable to be punished in like manner with principals, before one Justice, for any term less than a year, with or without hard labour, and with or without solitary confinement, and any attempt to commit such an offence by actually engaging any person in any such game, shall be punished in like manner as the offence itself. See also *Gaming-Houses and Public Morals*).

Game and Fur-bearing Animals, Protection of—Ont. Stat., 43 Vic., Cap. 31,

Ordains: That none of the animals or birds hereinafter mentioned shall be hunted, taken, trapped, or killed, within the periods limited, nor shall any person have in his possession, or any part or portion of any such animals or birds during the periods so limited, nor shall any eggs

of the birds mentioned be taken or destroyed, or had in possession of any person at any time.

NAME OF BIRD OR ANIMAL.	CLOSE SEASON.	PENALTY.
Deer.....)	1st December to 1st October	\$10 to \$50 and costs.
Elk		
Moose		
Reindeer		
Caribou		
Beaver	1st May to 1st No- vember	\$5 to \$25 and costs
Muskrat		
Sable		
Martin		
Otter		
Fisher	1st March to 1st Sept.	\$5 to \$25 and costs for each bird or egg.
Mink		
Hare		
Grouse.....)		
Pheasant		
Prarie Fowl ...	1st January to 1st October	\$5 to \$25 and costs
Partridge		
Wild Turkeys..		
Quail		
Woodcock		
Snipe	1st Jan. to 1st Aug. 15th January to 15th August	\$5 to \$25.
Mallard		
Grey Duck		
Black Duck ...		
Wood or Sum- mer Duck ..		
Other Ducks ..	1st May to 15th Aug.	\$5 to \$25.
Swans		
Geese		
Rails		

And none of the said animals, except those specially provided for, shall be trapped or taken by means of traps, nets, snares, gins, or baited lines, at any time; nor shall poisoned bait be used in any case; and such traps, nets, etc., may be destroyed by any person without incurring any liability therefor; nor are batteries, swivel guns, or punts, or night lights to be used for killing birds at any time. The whole of the fine to be paid to prosecutor, and confiscated game given to some charitable institution. It also enacts, that dogs accustomed to hunt deer, in the woods unaccompanied by owner or other person, shall not be permitted to run at large during the period from 15th November to 1st October, under a penalty from \$5 to \$25 for each offence.

Gaming Houses.—38 Vic., Cap. 41.

Intituled, An Act for suppressing gaming houses, and to punish the keepers thereof, provides for the breaking into, searching, and seizing all instruments of gambling, and taking into custody all persons found therein.

40 Vic., cap. 33, makes provision for the destruction of instruments of gambling found in any place used as a common gaming house; and, also, that any person playing or looking on while any other person is playing in a common gaming house, is guilty of an offence, and shall be liable on conviction to a fine of not more than \$100, or a term of imprisonment not exceeding two months.

Rev. Stat. Ont., 174, sec. 461, sub-sec. 30, authorizes the council of every township, city, town, or incorporated village, to pass a by-law, for suppressing gambling

houses, and for seizing and destroying faro banks, rouge et noir, roulette takes, and other devices for gambling found therein.

Gaoler's Receipt.—32-33 Vic., Cap. 30, sec. 57.

The gaoler shall give a receipt to a constable who delivers a prisoner over to said gaoler.

I hereby certify that I have received from W——
T——, constable of the county of ——, the body of
A—— B——, together with a warrant, under the
hand and seal of I—— S——, Esquire, one of Her
Majesty's Justices of the Peace for said county, and
that the said A—— B—— was (sober, or as the case
may be), at the time he was delivered into my custody.

P. K.,

Keeper of the Common Gaol of said County, etc.

General Sessions.

A constable having to attend at the Sessions is expected to present himself at the court at the hour for which he is notified to appear, and on each subsequent day so long as the trial lasts, at the hour appointed for the opening of the court.

He is to be prepared to produce in court all necessary papers or property relating to the case in which he is concerned.

Constables when giving evidence are to stand in an upright, respectful manner, speaking calmly and explicitly, in a clear, distinct and audible tone, so that the court and jury may easily hear them. They are to confine

themselves strictly to evidence in the case before the court, and be prepared with any notes of the circumstances which they may have made at the time of the occurrence, keeping also constantly in mind the depositions which they signed before the justice, with which their evidence at the trial should exactly agree. They are not to use any low or cant expressions. They are not to refer to any former conviction against the prisoner unless called on by the judge or chairman to do so. When cross-examined by counsel for the prisoner they are to answer with the same readiness and civility as when giving evidence in support of the charge, remembering that the manner or insinuations of the counsel are not to affect them, and that the ends of justice will be best forwarded by their showing a desire simply to tell the whole truth, whether in favour of or against the prisoner. Constables are to restore the goods subject of the indictment, on an order being made by the court, and a receipt taken therefor.

Constables concerned in cases, attending court, are to endeavour as much as possible to keep the prosecutor and crown witnesses ready to appear in court at any moment the case may be called on; and constables are not to leave without permission, and the witnesses for the crown prevented from doing so until the pay-sheet be made out.

Handcuffs.

Handcuffs are not to be used except in cases of necessity, when a prisoner is desperate or likely to attempt to

escape when being conveyed before the justices and to gaol. (T. P. F. Reg.)

Constables should treat without unnecessary hardship or restraint, and should not handcuff any one when he has no reason to fear an escape, and when the person is behaving peaceably: he is very reprehensible if he do so. (Wilson, p. 24.)

The constable is, however, responsible for the safe custody of the prisoner, and he must exercise his judgment in a great measure.

It has been laid down, that a constable has no right to handcuff a prisoner taken on suspicion of felony, unless he attempt to escape, or except it is necessary in order to prevent his escaping, and that a constable is not justified in handcuffing a prisoner arrested for assault. (4 B. & C. 596; 1 F. & F. 317.)

High Constable.

The high constable acts for the county at large, and has the superintendence and direction of all other constables in the county. He is the more immediate auxiliary of the magistrates in the preservation of the peace, he is bound to attend the General Sessions, and to act upon the instruction of Justices of the Peace. He should report at every sessions on the state of the Queen's peace within the county. (Patton).

Highways, Protection of Trees on.—Rev. Stat. Ont., Cap. 187, sec. 1.

Defines the word highway in this Act to mean and include any public highway, street, road, lane, alley, or

other communication, as well as any public place or square.

Sec. 3 vests the property of trees on highways in the owners of adjacent land, and sec. 5 permits the owners of adjacent land to plant trees on highways, provided same may not become a nuisance; and sec. 5 declares, that any person who ties or fastens any animals to any such tree, shrub, or sapling, so growing or planted upon any highway, or who injures or destroys, or suffers or permits any animal in his charge to injure or destroy, or who removes any such shrub, tree or sapling, or receives the same, knowing it to be so removed, shall, upon conviction thereof before a Justice of the Peace, forfeit and pay a sum not exceeding \$25 and costs, and in default of payment the same may be levied by distress, or such offender may be sent to gaol for a period not exceeding thirty days. Half fine to person laying information, other half to municipality.

Sections 3 and 4 do not apply to incorporated cities, towns and villages, unless the council thereof first passes a by-law, making the same apply thereto.

Horsestealers, Reward for apprehending.

By 29-30 Vic., cap. 51, sec. 355, sub-sec. 26, it is enacted that county councils shall provide by by-law for the payment of a sum not less than twenty dollars to any person or persons, who shall apprehend, or cause to be apprehended; any person or persons guilty of stealing any horse or mare.

Housebreaking.—32-33 Vic., Cap. 21, sec. 55.

Whoever breaks and enters any dwelling-house, school-house, shop, warehouse, or counting-house, and commits any felony therein, or being in any dwelling-house, school-house, shop, warehouse, or counting-house, commits any felony therein, and breaks out of same, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding fourteen years, or in any other gaol or place of confinement for any term less than two years, with or without hard labour, or with or without solitary confinement.

Housebreaking Tools, in possession by night.—32-33 Vic., Cap. 21, sec. 59.

Any person found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or is found by night having in his possession, without lawful excuse (the proof of which excuse shall lie on such person), any picklock key, crow, jack, bit, or other implement of housebreaking, or any match, or combustible or explosive substance, or is found by night with his face blackened or otherwise disguised, with intent to commit any felony, or is found by night in any dwelling-house or other building whatsoever, with intent to commit felony therein, is guilty of misdemeanour, and is liable to be imprisoned in the penitentiary for three years, and in any other place of confinement for any term less than two years, with or without hard labour.

Insane Persons.

Constables are to arrest and charge before the nearest Justice any person who is evidently insane, found wandering, and not under proper control.

If called to take into custody an insane person, under the control of friends, they are not to do so, but are to refer the persons applying to the nearest Justice for a warrant.

If, however, the insane person becomes violent and likely to injure himself or his friends, a constable may assist in restraining him until the Justice is communicated with.

By Rev. Stat. Ont., cap. 220, sec. 12, and following sections, any person suspected and believed to be insane and dangerous to be at large, and who has exhibited a purpose of committing some crime, for which, if committed, such person would be liable to be indicted, may be arrested, under a warrant, issued upon sworn information laid, and proceeded against, with a view to his committal to an asylum in the manner indicated in the Act. And sec. 24 orders that every constable and peace officer, on proper directions from a Judge, Justice or Justices, shall compel the witnesses to attend any inquiry under this Act.

Larceny.—32-33 Vic., Cap. 21.

Larceny has been defined to mean the felonious taking the property of another without his consent and against his will, with intent to convert it to the use of the taker.

Justices of the peace are authorized, under 12, 13, 22 to 27, 117 to 119 and 123, to try persons for stealing dogs, beasts or birds, ordinarily kept in a state of confinement, and not subject of larceny at common law; unlawfully and wilfully killing or taking pigeons, under such circumstances as do not amount to larceny at common law; stealing trees, etc., worth 25 cents, purchasing or receiving stolen trees, etc.; stealing, damaging, etc., any live or dead fences, wooden fence, stile or gate; suspected persons in possession of any wood, etc., not satisfactorily accounting for it, stealing, damaging, with intent to steal any fruit, plant, root or vegetable production, in any garden, etc.; stealing any cultivated root or plant used for food of man or beast, or medicine, etc., growing in any land, open or enclosed, not being a garden, etc.

Limitation of Actions and Prosecutions.—32-33 Vic., Cap. 29, secs. 130 and 131.

All actions and prosecutions to be commenced against any person for anything purporting to be done, in pursuance of any Act of the Parliament of Canada, relating to criminal law, shall, unless otherwise provided for, be laid and tried in the district, county, or place where the fact was committed, and must be commenced within six months next after the fact committed, and not otherwise.

Notice in writing of such action, and of the cause thereof must be given to the defendant one month at least before the commencement of the action.

Sec. 133 says: No plaintiff shall recover in any such action if tender of sufficient amends be made before such

action brought, or if a sufficient sum of money be paid into court after such action brought, by or on behalf of the defendant.

Liquor Licenses.—See *Tavern and Shop Licenses*.

Machines, etc., to be Protected.—See *Threshing Machines*.

Malicious Injury to Property.—32-33 Vic., Cap. 22, sec. 69.

Persons found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended without a warrant by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighbouring justice.

Manslaughter.—32-33 Vic., Cap. 20, sec. 5.

Master and Servant.—40 Vic., Cap. 35.

The Breaches of Contract Act, 1877, makes offences under this head civil wrongs, and not punishable as crimes, with certain exceptions, viz :—" Sec. 2. Any person who wilfully and maliciously breaks any contract made by him, knowing, or having reasonable cause to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury; or any person under contract with gas or water companies, wilfully breaking such contract, know-

ing, or having reasonable cause to believe, that the probable consequences of his so doing, either alone, or in combination with others, will be to deprive the inhabitants wholly, or to a great extent, of their supply of gas or water. Any person who, being under a contract made by him with a Government railway or other railway company, bound, or agreeing to carry Her Majesty's mails, passengers, or freight, wilfully and maliciously breaking such contract, knowing, or having reason to believe, that the probable consequences of his so doing, either alone, or in combination with others, will be to delay or prevent the running of any locomotive engine or tender, or freight or passenger car on such railway, shall, on conviction before a police or stipendiary magistrate, or two justices, be liable to be punished by fine, not exceeding \$100, or three months, with or without hard labour. This is also an indictable offence.

By Rev. Stat. Ont., cap. 133, sec. 9 and following sections, Justices of the Peace may decide disputes between master and servant, and issue distress warrants to recover any sum adjudged to be paid, but imprisonment in default of payment can no longer be inflicted.

By sec. 12, Justices of the Peace may likewise hear complaints by servants against the employer for misusage, non-payment of wages, etc., and may determine same.

Meetings.—See *Disturbing Public Meetings, etc.*

Memorandum Book.

Every constable shall keep a memorandum book, in which he will write on the first page his name and the

date he joins. He will also enter particulars of duties respecting arrest, occurrences, etc., all of which will be made at the time. This book may be demanded of the constable at any time in court. It will also assist him to make out his fees for the quarterly accounts, etc. (From T. P. F. Reg.)

Mileage.—Rev. Stat. Ont., Cap. 84, p. 898, Nos. 3 and 4.

Mileage, at ten cents per mile, going to arrest, covers hire of conveyance, and the account must shew the names of places from and to the place at which service was made. Going to make service and returning is covered by the charge of ten cents per mile.

When service cannot be effected, upon proof of due diligence, the constable is entitled to ten cents per mile.

Mills and Mill Dams.—Rev. Stat. Ont., Cap. 113, secs. 4 and 7.

Every owner or occupier of any mill dam at which an apron or slide is required to be constructed, who neglects or refuses to make and construct and keep in repair the said apron, shall pay a penalty of \$2 per day for every day of such neglect, and such penalty shall be recoverable before any two Justices of the Peace for the county in which such offence is committed; and if not paid shall be levied by distress. Special enactments are made with regard to the county of Huron and the rivers Moira and Otanabee. (See also Ont. Stat., 44 Vic., cap. 11.)

Misdemeanour.

The word, in its usual acceptation, is applied to all those crimes and offences, for which the law has not pro-

vided a particular name, and they may be punished according to the degree of offence by fine or imprisonment, or both.

A misdemeanour is in truth, any crime less than a felony; and the word is generally used in contradistinction to felony; misdemeanours comprehending all indictable offences, which do not amount to felony. All disturbances of the peace, oppressions, misbehaviour by public officers and all other misdemeanours whatsoever, of a public evil example, against the common law, may be indicted; and whatever openly outrages decency and is injurious to public morals is a misdemeanour at common law; and wherever a statute forbids the doing of a thing, the doing of it wilfully, although without any corrupt motive, is indictable as a misdemeanour.

A list of misdemeanors will be found in Appendix C.

Morals, Public.—Rev. Stat. Ont., Cap. 174, sec. 461.

Authorizes township, city, town and incorporated village councils to pass by-laws for the above, viz. :

Sub-sec. 25. For preventing the sale or gift of intoxicating drink to a child, apprentice, or servant, without the consent of a parent, master, or legal protector.

Sub-sec. 26. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings on walls or fences, in streets or public places.

Sub-sec. 27. For preventing vice, drunkenness, profane swearing, obscene, blasphemous, or grossly insulting language, and other immorality and indecency.

Sub-sec. 28. For suppressing disorderly houses and houses of ill-fame.

Sub-sec. 29. For preventing or regulating and licensing exhibitions, held or kept for hire or profit, bowling alleys, and other places of amusement.

Sub-sec. 30. For suppressing gambling houses, and for seizing and destroying faro banks, rouge et noir, roulette tables, and other devices for gambling found therein.

Sub-sec. 31. For preventing horse racing.

Sub-sec. 32. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly, in any street, highway or public place.

Sub-sec. 33. For preventing indecent public exposure of the person and other indecent exhibitions.

Murder.—32-33 Vic., Cap. 20, sec. 1.

When a murder has been committed, the high constable is to be telegraphed to at once, and immediate steps taken, and all possible enquires made, to apprehend the perpetrator, and obtain all particulars for the information of the coroner or Justice.

Neglecting to provide for Wife, Child, Servant, etc.—32-33 Vic., Cap. 20, sec. 25.

Nuisances.

By 40 Vic., cap. 26, sec. 2, no indictment can be presented to any grand jury for nuisance, unless the offence has been previously investigated before a Justice of the Peace, and the accused has been committed or bound

over to appear for trial, or the prosecutor has been bound over to prosecute; but nothing in the said section shall extend, or be applicable to prevent the presentment to, or finding by, a grand jury of any bill of indictment, if such bill be presented to the grand jury, with the consent of the court in or before which the same may be preferred.

Oath, Nature of.

The following extracts, from a pamphlet by the Hon. and Rev. S. G. Osborne, are reprinted, for the information and guidance of constables, and their serious attention is called to them :—

"It appears somewhat extraordinary that teaching the nature of an oath forms no part of our general system of education; but a little experience in our Courts of Justice will convince any careful observer that, whilst it is acknowledged to be highly important that men should understand what they really do when they are sworn to their evidence, there is nothing more common than to find the grossest ignorance on the subject.

"It is your duty, when called on by a Magistrate, or any one in authority over you, to give evidence for or against a fellow-creature, whether it be to clear the innocent or to convict the guilty.

"A person about to be sworn, if a Protestant or Roman Catholic, takes the Bible or Testament in his right hand, and attentively listens to the terms of the oath he is about to take; he then shews his willingness to fulfil them by pressing the book to his lips.

"Jews are sworn on the Hebrew Bible, according to the formula of their faith.

"The person addressed is called on to swear that, 'in the matter in question I will speak the truth, the whole truth, and nothing but the truth. So help me, God.'

"By saying 'so help me, God,' I solemnly declare that, as I stand before God and rely on him in all things, I will endeavour to speak that only which is true.

"I press the book to my lips, or kiss it, to show my love for it, and my desire that every word that passes my lips may be true, as that book is true.

"By speaking the whole truth, it means that I am to keep nothing back of that which I am called to prove; I am to state all I saw, heard, or did, in the matter upon which I am examined, without any concealment, and without any regard to the effect my so speaking may have on any person concerned in it.

"By speaking nothing but the truth, it means that I am not to add anything to that which I state to be a fact, because I may have reason to think it true when I do not actually know it to be so. I am equally bound to speak the truth at all times, whether I am sworn or not.

"Men are required to swear to the evidence they give in a Court of Justice, because it is thought right to remind them thus solemnly that they are about to speak in the presence of God; that they may be more cautious, lest their feelings lead them to say that which is untrue, or to keep back any part of the truth.

"Because justice seems to require, in matters in which the lives, character, or property of our fellow-creatures

may depend upon the truth of the evidence given, that every allowable means should be used to remind the witness that, though he may deceive an earthly magistrate or judge, he will one day have to answer to the Great Judge of Heaven and Earth as to the truth of what he has deliberately called on Him to witness.

" A person who wilfully says upon oath that which is untrue commits perjury, and is liable to severe punishment on indictment.

Obscene Words, Books, etc.—Rev. Stat. 174, sec. 461, subsec. 26,

Authorises township, city, town and village councils to pass a by-law for preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures, or drawings, on walls or fences, in streets or public places.

Obtaining Money or Goods by False Pretences.—32-33 Vic., Cap. 21, sec. 93.

Any person charged with obtaining money or goods by false pretences, is to be apprehended by a constable, if the offence is committed in his presence.

Any person finding another person committing the offence, may himself immediately arrest such person for the purpose of taking him before a Justice, to be dealt with according to law; and a constable is to assist, if required to do so, in arresting the person and taking him before a Justice of the Peace, or detaining him until he can be brought before a Justice.

Open-Air Preaching

Is not an offence, unless the public thoroughfares are obstructed at the time, or some specific nuisance to the public or persons residing at the spot is thereby occasioned. If so, persons committing such offences are to be civilly requested to move away. (T. P. F. Reg.)

Passenger Steamers, For Keeping Order on Board.—36 Vic., Cap. 57.

Sec. 1 ordains that the master or officer in command of any steamer may refuse to receive on board any person who is drunk or disorderly, or who causes, or is in a condition to cause, annoyance or injury to passengers on board; or if any such person be on board, the master or officer may put him on shore at any convenient place.

Sec. 2 provides for the punishment of persons committing certain offences against this Act, viz.: If any person, being drunk or disorderly, has been on that account refused admission into a steamer by the owner or any person in his employment, and, nevertheless, persists in attempting to enter the steamer. If any person, being drunk or disorderly on board a steamer, is requested by the owner or any person in his employment to leave the same at any place in Canada, being a reasonably convenient place to leave the same, and does not comply with such request; if any person on board a steamer, molests, or continues to molest, any passenger; if any person after having been refused admission into a steamer by the owner or any person in his employment, on account of the steamer being full, and having had the amount of his fare,

if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer; if any person on board a steamer, without reasonable excuse (proof whereof shall lie on him), fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by, and paying their fare on, steamers, shall be liable to a fine for every such offence not exceeding \$10. Any person injuring or obstructing a steamer, or impeding or molesting the crew, or any of them, in the execution of their duty, shall, for every such offence, incur a penalty not exceeding \$100. The master or other officer may detain an offender whose name and address are unknown to him, and convey such offender before some justice or justices of the peace. The penalty goes to the Crown; if it does not exceed \$10, may be tried by one justice, and if it exceeds that amount by two justices.

Pawnbrokers.—Rev. Stat. Ont., Cap. 148.

In case any pawnbroker neglects to take out or renew his license, he shall forfeit \$200 for every pledge he takes without such license, to be recovered in any of Her Majesty's Courts. In case any pawnbroker neglects to have a sign placed over the door of his shop or other place in which he carries on his business, with his name and the word "pawnbroker," in large, legible characters thereon, shall forfeit \$40 for every shop or place made use of for one week without having the same so put up; to be recovered before a justice of the peace, and, in default,

distress; and if there is not sufficient distress, the offender shall be committed to the county or other gaol for a term from fourteen days to three months. Complainant is entitled to pay fine.

Pedlars.—Rev. Stat. Ont., Cap. 174, sec. 465 sub-sec. 3,

Authorizes county, city and town councils, separated from the county for municipal purposes, to pass a by-law for licensing hawkers and pedlars. Pedlars are to produce their licenses, on being required to do so by any constable.

Persons who are peddling or disposing of goods manufactured in the county, are not subject to the above.

Petty Sessions or Justices' Courts.

Constables are to observe the utmost attention and respect towards Justices of the Peace at all times. They are not to enter into conversations with, or make statements when before, a Justice, except as evidence, or respecting a case under investigation. They are to be punctual in their attendance at the hour for transacting business, decently dressed, clean and neat in appearance.

If a prisoner, prosecutor or material witness, through drunkenness or any other cause, is unfit to appear in court, a report to that effect is to be made to the presiding Justice before the individual appears in court.

Strict order and decorum is to be observed at the court, and the passage and the street approaches are to be kept clear and free from obstructions. (T. P. F. Reg.)

Petty Trespasses.—25 Vic., Cap. 22.

"Any person who unlawfully enters into, comes upon, or passes through, or in any way trespasses upon, any land or premises whatsoever, being wholly enclosed, and being the property of any other person, shall be liable to a penalty of not less than one dollar, nor more than ten dollars, for any such offence, irrespective of any damage having or not having been occasioned thereby; and such penalty may be recovered, with costs, in every case of conviction before any one justice of the peace, who shall decide the matter in a summary way, and award costs in case of conviction, which may be had either on view or on confession of the party complained against, or on the oath of one credible witness; but nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to any case within the meaning of the twenty-eighth section of chapter ninety-three of the Consolidated Statutes of Canada, respecting arson and other malicious injuries to property."

Placards.—See *Obscene Words, etc.*

Pounds—Rev. Stat. Ont., Cap. 95.

Sec. 1 ordains "that this Act may be superseded by by-laws, under Rev. Stat., cap. 174, p. 463, which authorizes the council of every township, city, town and incorporated village to pass them, as long as they are not inconsistent with the Dom. Stat. respecting cruelty to animals.

Sec. 24. Every fine and penalty imposed by this Act may be recovered and enforced with costs, by summary

conviction, before any Justice of the Peace for the county, or of the municipality in which the offence was committed ; and, in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless such fine and penalty and costs, including the costs of the committal, are sooner paid.

Sec. 25 applies the penalty as follows: One moiety to the city, town, village, or township, in which the offence was committed, and the other moiety thereof with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice seems proper.

Pound Breach

Is the forcible breaking the pound, in which cattle have been put after being lawfully distrained for the purpose of rescuing them. Pound breach is considered a greater offence at common law than even a rescue of the goods distrained, and is no doubt an injury and insult to public justice. It seems to be equally indictable as such at common law, for which a form is laid down in Chitty. (Keele.)

Preservation of the Peace near Public Works.—38Vic., Cap. 38.

By the above, this Act is extended to any place or places in Canada, within the limits, or in the vicinity whereof, any railway, canal, road, bridge, or other work of any kind, is in progress of construction, and to any

place or places at or near which any mining operations are being carried on, and to which the Governor in Council may deem it expedient to apply the provisions of the Acts, whether such work be constructed or carried on by the government of Canada or of any Province of Canada, or by any incorporated company, or by any municipal corporation, or by private enterprise; and the expression "public work" in the said Acts, or either of them, shall hereafter be understood to include any such work as aforesaid, and the Governor in Council shall have the same powers with reference to any such work as with reference to works constructed by the Government of Canada.

Prisoners.

In apprehending a person, and making him or her a prisoner, no more violence is to be used than is absolutely necessary for the safe custody of the prisoner. In conveying persons arrested, crowded thoroughfares are to be avoided as much as possible, where obstruction or annoyance is less likely to be caused.

The usual plan is to seize the arm and keep hold to prevent the possibility of escape. When a prisoner is once in custody, he is not to be released, except by direction of a Justice of the Peace according to law.

If the constable is likely to be overpowered, he may draw his baton and use it, taking care to avoid striking any one on the head; the arms and legs should be aimed at, to disable a prisoner, as parts of the frame least likely to suffer serious injury. But these extreme measures are

only to be resorted to when all other attempts have failed.

Prisoners who are very violent, or who are charged with very serious offences, are, if necessary, to be handcuffed, to prevent danger, or the possibility of escape.

Prisoners are to be made as little uncomfortable as possible, safe keeping and not punishment being the object during the time they are in custody of constables.

No conversation is to be held in the hearing of prisoners, nor is improper language or taunting remarks to be used towards them.

Prisoners, if not in an unfit state from drunkenness or other cause, are to be at once taken before the nearest Justice, if within reasonable hours, if not at the earliest subsequent opportunity.

Necessary refreshments for prisoners may be purchased out of money taken from them, providing the charge against them does not relate to the money. Beer or spirits are not to be given to prisoners getting refreshments, but only tea or coffee, except in very special cases.

Constables are to make a memorandum of these expenses, for reference, if required.

A solicitor, authorized to act for him, is allowed to communicate with a prisoner in custody. Facility, as far as practicable, is to be given, that the communication may not be overheard by any one; but care is to be taken that the prisoner shall not escape, and, if necessary for that purpose, the constable may keep prisoner in sight during the interview.

Any promise or inducement held out to a prisoner, by

which he makes a statement to a constable or other person in authority, or to a person directly injured by the crime, renders the statement inadmissible as evidence against him. Any confession or statement, however, made by the accused to the constable or other person, without such promise or inducement, or to any person not in authority, under such promise or threat, is admissible as evidence against him.

Any fact discovered in consequence of information obtained by a promise, threat, or inducement, may be given as evidence.

A statement made by a prisoner, charged with any serious offence, is to be as near as possible accurately written down by the constable, and communicated to the Justice who hears the case.

Prisoners insensible through drink are to be occasionally visited by the constable, and spoken to and aroused each time.

Prisoners charged with felony are to be searched, with a view to discovering evidence bearing upon the charge.

Persons suspected of making, uttering, or having in their possession, counterfeit coin, shall be searched immediately when taken into custody; persons reasonably suspected of having or conveying in any manner, any thing stolen or unlawfully obtained, may be searched.

Prisoners insensible from illness, drunkenness, or any other cause, are to be searched, solely for safe custody of their property and its return to them.

Prisoners who are drunk and riotous, or known or suspected to be dangerous, are to be searched for the pur-

pose of depriving them of arms or weapons, by which they might make their escape, or inflict injury on themselves or those about them.

When prisoners are searched, it is to be done so effectually that all instruments or articles of property which they ought not to retain may be taken from them, and the constable will take an inventory in his note-book of the articles found, and the circumstances of the case.

Prize Fighting.—44 Vic., Cap. 30.

Sec. 1 defines as follows:—"Prize Fight" means an encounter, or fight with their fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them.

Sec. 2. The punishment for challenging to, or preparing for, a prize fight, or acting as trainer or seconder, is a fine of not less than \$100, nor more than \$1000, or to imprisonment of not more than six months, or to both fine and imprisonment, in the discretion of the court.

Sec. 3. The punishment for engaging as a principal in a prize fight, on summary conviction, is from three to twelve months.

Sec. 4. Whoever is present at a prize fight, as an aid, second, surgeon, umpire, backer, assistant, or reporter, or advises, encourages or promotes such fight, is guilty of an offence against this Act; and, on summary conviction thereof, is liable to a fine of not less than \$50, nor more than \$500, or to imprisonment of not more than twelve months, or to both fine and imprisonment, in the discretion of the court.

Sec. 5 orders that the punishment for any inhabitant or resident of Canada, leaving Canada to engage in a prize fight, without the limits, is a fine of \$50, nor more than \$400, or to imprisonment of not more than six months, or to both fine and imprisonment, in the discretion of the court.

Sec. 6 directs that it shall be the duty of any constable, among others, when he has any reason to believe that any person within his jurisdiction is about to engage as principal in any prize fight within Canada, he shall forthwith arrest such person, and conduct him before some person having authority to try offences against this Act, who, if satisfied that the person so brought before him was at the time of his arrest about to engage as a principal in a prize fight, he shall require the accused to enter into a recognizance, with sufficient sureties, in a sum not less than \$1000, nor more than \$5000, conditioned that the accused will not engage in any such fight within one year after the date of such arrest, or to remain in gaol until he give such recognizance.

Sec. 7 empowers any sheriff, when he has reason to believe that a prize fight is about to take place within his jurisdiction, or that persons are about to land or cross into Canada at a point within his county, from any place outside Canada, with intent to engage in, or to be concerned in, or to attend, any prize fight, within Canada, shall forthwith summon a force of the inhabitants of his county sufficient for the suppressing and preventing such fight; and shall, with their aid, suppress and prevent the same, and arrest all persons present thereat, or who may

land in or cross into Canada as aforesaid, and shall take them before some person having authority to try offences against this Act, to be dealt with accordingly.

Sec. 8. All offenders, except principals, shall be competent witnesses.

Sec. 9 provides that in case the fight proves to have been not a prize fight, but an actual quarrel, the accused may be discharged, or a fine imposed, not exceeding \$50.

Sec. 10 provides that offences under this Act be tried before a Justice of the Peace, but that any Judge of a Supreme, or of a County Court, any Judge of the Sessions of the Peace, any Stipendiary Magistrate, Police Magistrate, and any Commissioner of Police, have all the powers of a Justice of the Peace under the said Act.

Proclaimed District.—41 Vic., Cap. 17.

Sec. 1. In this Act, the term "proclaimed district" means a place to which this Act may have been applied by a proclamation issued thereunder; and the term "arm" includes any gun, rifle, revolver, pistol, or other fire-arm, or air-gun, and any part of any such weapon, and any bullet, gunpowder, cartridge or ammunition, and any sword, sword-blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, bowie-knife, or other instrument intended for cutting or stabbing; and any steel or metal knuckles, skull-cracker or slung-shot, and any other such deadly or dangerous weapon."

Sec. 2 enacts that whenever, in the judgment of the Governor in Council, it shall be necessary, for the better prevention of crimes of violence, that this Act should

apply to any county, city or town, or other municipal or judicial district, in any Province or Territory of Canada, the Governor in Council may, by proclamation to be published in the *Canada Gazette*, declare that from and after a day to be named therein, this Act shall apply to such county, city, town, or other municipal or judicial district; and the Governor in Council may, at any time, by proclamation to be published in the *Canada Gazette*, revoke such first mentioned proclamation.

Sec. 3 declares that during the continuance in force of the proclamation, it shall not be lawful for any person, not being a justice of the peace, or an officer, soldier, sailor or volunteer in Her Majesty's service while on duty, or a constable or other peace officer, or a person licensed under the Act, to carry or have within the proclaimed district, elsewhere than in his own dwelling house, shop, warehouse, or counting house, any arm; and any person carrying or having any arm contrary to this provision shall be guilty of a misdemeanour, and shall be liable, on conviction, to imprisonment in any gaol or place of confinement for a term not exceeding twelve months.

Sec. 4 orders that it shall be lawful for any person to apprehend any one found carrying any arm within the proclaimed district, and to deliver such person to a constable or other peace officer to be proceeded with according to law; and sec. 5 makes it lawful for suspected persons to be searched, and seize and take from such person any arm so carried, and to keep and detain the same for the use of Her Majesty.

Sections 6, 7 and 8 say that any Justice of the Peace

may grant a warrant to search for arms, and to seize and detain same, if found, and in case admission to such house or place be not granted after demand, such constable or peace officer as aforesaid, and any person in his aid, may, at any time between sunrise and sunset, enter the same by force to make such search and seizure, and the arms so seized shall be forfeited to the use of Her Majesty.

Sec. 9. Persons may be appointed to grant licenses to have or carry arms by the Governor in Council.

Offenders under this Act are to be tried by three justices of the peace, a stipendiary or police magistrate, under 32-33 Vic., cap. 31.

Protection of Constables as to Actions.

By 24 Geo. II., cap. 44, sec. 6, no action shall be brought against any constable, head-borough or other officer, or against any person or persons acting by his order and in his aid, for anything done in obedience to any warrant under the hand or seal of any justice of the peace, until demand hath been made or left at the usual place of his abode by the party or parties, intending to bring such action, or by his, her or their attorney or agent, in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case, after such demand and compliance therewith by shewing the said warrant to, and permitting a copy to be taken thereof by, the party demanding the same, any action shall be brought against such constable, head-borough or other officer, or against

such person acting in his aid, for any such cause as aforesaid, without making the justice or justices who signed or sealed the warrant defendant, then, on producing or proving such warrant at the trial of such action, the jury shall give their verdict for the defendant or defendants, notwithstanding any defect of jurisdiction in such justice or justices; and if such action be brought jointly against such justice or justices, and also against such constable, head-borough or other officer, or person or persons acting in his or their aid as aforesaid, then, on proof of such warrant, the jury shall find for such constable, head-borough or other officer, and for such person and persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the justice or justices in such case, the plaintiff or plaintiffs shall recover his, her or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid.

Rev. Stat. Ont., Cap. 73, sec. 9. No action shall be brought against any officer or person fulfilling any public duty for anything done by him in the execution of his office, unless the same is commenced within six months next after the act complained of was committed.

No such action shall be commenced, until one month at least after a notice in writing of the intended action has been delivered to him, or left for him at his usual place of abode, by the party intending to commence the action, or by his attorney or agent, in which notice the

cause of action, and the court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the back thereof shall be endorsed the name and abode of the party intending to sue, and also the name and place of abode, or of business of his attorney or agent, if the notice be served by such attorney or agent.

In every such action the venue shall be laid in the county where the act complained of was committed, and the defendant may object to be tried in the division or county court, on giving a written notice within six days after being served with notice of such action to that effect.

Prostitutes.—32-33 Vic., Cap. 28.

States that all common prostitutes or night-walkers, wandering in the fields, public streets, or highways, lanes, or places of public meeting or gathering of people, not giving a satisfactory account of themselves; all keepers of bawdy houses and houses of ill-fame, or houses for the resort of prostitutes, and persons in the habit of frequenting such houses, not giving a satisfactory account of themselves, shall be deemed vagrants, loose, idle, or disorderly persons, within the meaning of this Act, and shall, upon conviction before a police or stipendiary magistrate, mayor or warden, or any two Justices, be imprisoned for a term not exceeding six months (37 Vic., cap. 43), with or without hard labour (44 Vic., cap. 31), or by a fine of \$50, or by both, in the discretion of such convicting Justices or Magistrate.

Public Health.—Rev. Stat., Cap. 190.

Sec. 20 says:—In case the owner or occupier of any dwelling or premises neglects or refuses to obey the orders

given by such health officers, in pursuance of such regulations, such health officers may call to their assistance all constables and peace officers, and such other persons as they think fit, and may enter into such dwelling or premises and execute the same, or cause to be executed therein such regulations, and remove therefrom and destroy whatsoever in pursuance of such regulations it is necessary to remove and destroy for the preservation of the public health.

Sec 32. The penalty for disobedience of orders of health officers and regulations, is a fine not exceeding \$20 and costs, to be recovered before two Justices or a police magistrate, which may be levied by distress, or fourteen days in any gaol, lock-up, or house of correction.

Sec. 28. The treasurer of the municipality shall forthwith, upon demand, pay out of any moneys of the municipality in his hands the amount of any order given by the members of the local ward, or any two of them, for services performed under their direction by virtue of this Act.

Railway Carriages, Injuries to.—32-33 Vic., Cap. 22, sec. 39.

Any person placing wood, stone, etc., on a railway, or removing rails, etc., with intent to obstruct or overthrow any engine, carriage, etc., "is guilty of felony, and is liable to be imprisoned for life in the penitentiary, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour.

Sec. 40. Whosoever, by any unlawful act, or by any wilful omission or neglect, obstructs, or causes to be obstructed, any engine or carriage using any railway, or aids or assists therein, is guilty of misdemeanour, and shall be liable to be imprisoned in any gaol or place of imprisonment for any term less than two years, with or without hard labour.

Rape.—36 Vic., Cap. 50, sec. 1.

Whosoever commits the crime of rape is guilty of felony, and shall be liable to suffer death as a felon, or to be imprisoned in the penitentiary for life, or for any term not less than seven years.

Refusing to Assist a Constable.

To suppress an affray or accomplish an arrest, a constable may call to his assistance any private person present, who will be bound to render aid under the penalty of severe punishment for refusal or neglect; but the constable must carry this in mind, that to warrant his interference there must be evident appearance that a felony or other crime against the Queen's peace is on the point of being committed; and this caution also may be given as to threats, that mere rash words or abusive or violent language used to the constable or to any other person, unless calculated to deter the officer from doing his duty, or directly tending to a breach of the peace, would not of themselves form a sufficient ground for the arrest of the wrong doer. (Patton, 16.)

And on page 26, the same writer says: "I would re-iterate, that whenever necessary, a constable may call

upon any by-stander in the Queen's name to assist him in making an arrest, or securing an offender; and that private persons acting in aid of the officer are entitled to the same indemnity as the officer, for their acts in his aid."

Rescuing, Resisting or Obstructing a Constable.—32-33 Vic.,
Cap. 20, sec. 39.

Whoever wilfully obstructs any revenue or peace officer in the due execution of his duty, or any person acting in aid of such, or assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence, is guilty of a misdemeanour, and shall be liable to be imprisoned in any gaol or place of imprisonment other than a penitentiary for any term less than two years with or without hard labour.

Riots and Riotous Assemblies.—31 Vic., Cap. 70.

In case persons to the number of twelve or more, being unlawfully assembled together disturbing the public peace, being by proclamation made by one or more justice or justices of the peace, sheriff, deputy-sheriff, warden or mayor required or commanded to disperse themselves, and in case such persons to the number of twelve or more remain or continue together for the space of one hour after such command in said riotous manner; shall be severally guilty of felony.

Proclamation—Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled immediately

to disperse themselves and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act respecting Riots and Riotous Assemblies. God save the Queen.

Sec. 4. If twelve or more persons remain in a riotous manner for the space of one hour after proclamation has been made, then it shall be the duty of every justice, sheriff and deputy-sheriff, high and petty constable, and other peace officer, within such district or county, and also every mayor, justice of the peace, sheriff, and other head officer, high or petty constable, and other peace officer, of any city or town corporate where such assembly may be, and any person or persons commanded to assist such justice of the peace, sheriff or deputy-sheriff, mayor, bailiff, or other head officer aforesaid (who may command all her Majesty's subjects of age and ability to be assisting to them therein) shall seize and apprehend the persons so unlawfully, etc., and take them before one or more justices of the peace, and proceed against them according to law.

Sec. 5. If, in the dispersing, seizing or apprehending any person riotously assembled, any such person happen to be killed, maimed or hurt by reason of their resisting the persons dispersing them, every such justice, sheriff, deputy-sheriff, mayor, warden, high or petty constable shall be free, discharged and indemnified, as well against the Queen's Majesty as against all and every other person and persons, of or concerning the killing, maiming or hurting of any such person or persons so unlawfully rioting as aforesaid.

Rivers and Streams.—Rev. Stat. Ont. Cap. 115.

In rivers where salmon, pickerel, black-bass or perch abound, no person shall throw, or, in case any owner or occupier of a mill, suffers or permits to be thrown, into any river, rivulet or water-course, any slabs, bark, waste stuff, or other refuse of any saw-mill (except saw-dust) or any stumps, roots, shrubs, tan bark, or waste wood, or leached ashes, or in case any person fells or causes to be felled, on or across any such river or rivulet or water-course, any timber, or growing or standing trees, and allows the same to remain in or across the same, he shall incur a penalty not exceeding \$20, and not less than 20 cts. for each day during which such obstruction remains in, over or across such river, rivulet or water-course, over and above all damages arising therefrom. (Subject to the jurisdiction of the Dominion of Canada in this behalf, and to any Acts passed in the exercise of such jurisdiction.)

All fines, penalties, forfeitures and damages under this Act, when not exceeding \$20, may, respectively, upon the oath of one credible witness, be recovered with costs, before one or more Justices of the Peace.

Sec. 3 declares the conditions on which timber may be cut on the banks of certain rivers, and floated thereon; but the branches are to be lopped off and the trunks cut up into lengths, of not more than eighteen feet, before they are floated, under a penalty not exceeding \$10.

Sec. 5 provides that this Act shall not extend to dams weirs, bridges erected in or over any such river, rivulet or watercourse, or to anything done *bona fide* in or for erect-

ing the same, or to any tree cut down or felled across any such river, etc., for the purpose of being used as a bridge, provided such use does not impede the flow of water or the passage of rafts.

Sec. 6 provides that this Act shall not extend to the river St. Lawrence, nor the river Ottawa, nor to any river or rivulet wherein salmon, pickerel, black bass or perch do not abound.

Roads.—See *Furious Driving on*.

Search Warrant.—32-33 Vic., Cap. 30, sec. 12.

In executing a search warrant, the constable must be careful strictly to pursue its directions. The warrant (Form E. 2) commonly specifies the place to be searched, the goods to be seized, and the person to be taken. If the outer door of the house to be searched be shut, and upon demand not opened, the constable may break it open, and so may inner doors, boxes, etc., after the keys have been demanded and refused.

The constable should not take away any goods but those specified in the warrant, unless they are indispensable in substantiating the charge of stealing the goods specified. The constable should take with him materials for striking a light, if necessary, and he should take sufficient time to make a thorough search. The owner of the goods should, in all cases, accompany the constable to point out the goods, in order to prevent mistakes.

The constable, in accordance with the warrant, should have necessary and proper assistance to watch outside, to

prevent the goods being taken away or the accused person escaping.

When the goods, or any portion of them, are found, the constable is to bring them and the person before the Justice, according to the directions of the warrant subject to his order. If the accused be committed for trial, the constable should make an inventory of the goods in his memorandum book, and mark the exhibits so as to be identified by him. If a horse is the subject of the larceny, the best plan would be to hand him over for safe keeping to the owner, on his entering into a recognizance to prosecute, and giving a guarantee that the horse shall be forthcoming.

Special Constables.—Rev. Stat. Ont., Cap. 83.

Any two or more Justices of the Peace are empowered to appoint special constables in certain cases of apprehension of riot, felony, etc., and administer oaths.

Suicides, Attempted.

Persons who attempt to commit suicide are to be arrested and charged before the nearest Justice. If, at the time of the arrest, any serious injury has been inflicted, medical aid is to be obtained immediately. (From T. P. F. Reg).

Summons and Subpœnas—32-33 Vic., Cap. 31, secs. 2 and 16.

A constable serving a summons or subpœna, must, in all cases, compare the copy with the original, and, if possible, serve the copy on the person named therein; or, if he

cannot find him personally, the summons or subpoena should be left with a grown-up person for him, at his last or most usual place of abode.

The constable is expected to make an entry in his memorandum book of all the circumstances, and make no delay in securing the person named in the summons or subpoena, in order that he may be able to make oath or affirmation as to the service, either personally or otherwise, when served, and the hour and date of service as follows (Oke):—

County of	}	The deposition of J. N., constable
of the county of		, taken upon oath before me, the
undersigned, one of Her Majesty's Justices of the Peace		for said county, this
day of		, A.D. 188
who saith that he served A. B., mentioned in the annexed		(within) summons (or subpoena), with a duplicate
thereof, on the		day of
last, personally (or		by leaving the same with N. O., at the said A. B.'s usual
place of abode, at N., in the said county,		

Before me,

J. S. J.P.

J. N.

Sunday Observance Act.—Rev. Stat., Cap. 189.

Prohibits ordinary trading, or work on Sunday, the holding of political meetings, games, and amusements, hunting and shooting, fishing, bathing, in any exposed place within any incorporated city or town, or within view of any place of public worship, or private residence, and renders all sales and agreements made on Sunday

void, conveying travellers on Her Majesty's mail by land or water, selling drugs and medicines, and other works of necessity, and works of charity only excepted; and wolves or other ravenous beast or bird of prey may be shot in defence of property.

Sec. 8. Any person convicted before a Justice of the Peace, upon the oath of one witness, or upon view by the said Justice, shall, for every such offence, be liable to a fine not exceeding \$40, nor less than \$1, together with costs and charges attending the proceedings and conviction. One moiety to the person charging the offence in writing before the Justice, the other moiety to the county or city wherever the offence was committed. A special form of conviction is laid down in the schedule to the Act, page 1960.

Sec. 14. The prosecution for any offence punishable under this Act, shall be commenced within one month after the commission of the offence, and not afterwards.

Sec. 17. This Act shall not extend to the people called Indians.

Surety of the Peace.

By the commission of the peace, justices of the peace have power to cause to come before them, or any one of them, all those who, to any of the Queen's people, concerning their bodies, or the firing of their houses, have used threats, to find sufficient security for the peace, or their good behaviour towards the Queen and her people; and if they shall refuse to find such security, to cause them in the Queen's prisons to be safely kept, until they shall find such security. (Burns, Justice.)

Upon which Mr. Hawkins observes, that it seemeth clear that wherever a person has just cause to fear that another will burn his house or do him a corporal hurt, as by killing or beating him, or that he will procure others to do him such mischief, he may demand the surety of the peace against such person; and that every justice of the peace is bound to grant it upon the party's giving him satisfaction, upon oath, that he is actually under such fear, and that he has just cause to be so, by reason of the other's having threatened to beat him, or laid in wait for that purpose, and that he doth not require it out of malice or for vexation. (1 Haw., cap. 60, sec. 6.)

Suspected Persons.—32-33 Vic., Cap. 28.

Empowers all constables to take into custody, without warrant, all loose, idle, and disorderly persons whom they shall find disturbing the public peace, or whom there shall be good cause to suspect of having committed, or being found about to commit, any felony, or looking about to commit any misdemeanour or breach of the peace, or whom they shall find between sunset and seven o'clock in the morning lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of themselves.

Constables are expected to know all suspected persons in their neighbourhood, but are not to make charges or imputations against the character of any one, unless they have sufficient knowledge of the persons concerned to justify them in so doing.

Suspension from Office.—Rev. Stat., Cap. 82, sec. 8.

Enacts that the Judge of the County Court may suspend from office any constable for any period, in the discretion of the Judge, but not beyond one week after the time appointed for the next sittings of the General Sessions of the Peace; such suspension shall be by notice in writing; and, in case the Judge considers the suspended officer deserving of dismissal, such Judge shall, immediately after suspending him, report the case fully to the Clerk of the Peace for submission to the Justices at the next General Sessions of the Peace; and the Justices may dismiss such officer, or direct him to be restored to his office after the period of his suspension has expired, or after such further period of suspension, as they may order.

Swearing, etc.

By the 19 Geo. II., cap. 21, sec. 3, in case any person or persons shall profanely swear or curse in the presence and hearing of any constable, it shall and may be lawful for any and every such constable, and they and each of them are hereby authorized and required (in case any such person shall be unknown to any such constable) to seize, secure and detain such offender or offenders unknown to him or them, as aforesaid, and forthwith take the accused before the next justice of the peace for the county, the mayor, or other chief magistrate of a town corporate wherein such offence was committed, who is authorized and required, on the oath of the constable, to convict the offender; but, in case the offender is known, then the constable is speedily to lay an information before the Justice, in order that the offender be punished.

Rev. Stat. Ont., cap. 174, sec. 461, sub-sec. 27, authorizes the council of townships, cities, towns, and incorporated villages, to pass a by-law to prevent profane swearing.

Constables making use of obscene, blasphemous, insulting language, or swearing, are to be reported to the high constable. Constables must govern themselves so as not to commit offences, the suppression of which is imposed upon them by law. (From T. P. F. Reg.)

Tavern and Shop Licenses.—Rev. Stat Ont., Cap. 181, sec. 94.

Enacts that every policeman, or constable, or inspector of licenses, shall be deemed to be within the provisions of this Act; and when any information is given to any such policeman, constable, or inspector, that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent enquiry into the truth of such information, and enter complaint of such violation before the proper court, without communicating the name of the person giving such information.

Sec. 95 orders that any officer, policeman or constable, or inspector of licenses, may, for the purposes of preventing or detecting the violation of any of the provisions of this Act, which it is his duty to enforce, at any time, enter into any and every part of any inn, tavern or other house, or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reported to be sold, whether under license or not, and may make searches in every part thereof, and of premises

connected therewith, as he may think necessary for the purposes aforesaid. —

Sub-sec. 2. Every person being therein, or having charge thereof (inn, tavern, etc.), who refuses or fails to admit such officer, policeman or constable, or inspector, demanding to enter, in pursuance of this section, in the execution of his duty, or who obstructs or attempts to obstruct, the entry of such officer, etc., on any such searches aforesaid, shall be liable to the penalty laid down by sec. 51 of this Act.

Sec. 97 states that it is the duty of constables to prosecute offenders under this Act, and, in case of wilful neglect or default of so doing, incur a penalty of \$10 for each and every such neglect and default.

Tax on Dogs.—Rev. Stat. Ont., Cap. 194.

Sec. 1 enacts that there shall be levied annually upon the owner of each dog a tax of \$1, and \$2 for each bitch.

Sec. 6. In all cases when parties have been assessed for dogs, and the collector has failed to collect the taxes authorized by the said Act, he shall report the same under oath to any justice of the peace, and such justice shall, by order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owner or owners thereof; and if such owner or owners neglect or refuse to obey the said order, he or they shall be liable to the penalty to be recovered before a justice of the peace, as provided in sec. 16 of the Act; and in case any collector neglects to make the aforesaid report within the time required for paying over the

taxes to the municipality, he shall be liable to a penalty of \$10 and costs, to be recovered also under sec. 16.

Sec. 2. In case the council of any county, or union of counties, deems it advisable to dispense with the levy of said tax, it shall be lawful for such council to declare by by-law, that the said tax shall not be levied in any of the municipalities within its jurisdiction.

Telegram, Arresting on.

The following is laid down for constable's guidance:—

1. That, on the receipt of a telegram professing to be from some known responsible, respectable person, whether concerned in the administration of justice or not, but more particularly if he be, the constable may proceed to make the arrest.

2. On receipt of a telegram from some unknown party, the constable should not arrest without advising with the nearest justice of the peace or some one in authority, as how he should act. If he or they advise an arrest, the constable may then make it.

3. If he have no time to advise, he must proceed most warily.

4. In no case, however, should a telegram be acted upon if it be possible to test its genuineness by writing back or by telegram to the person professing to have sent it.

5. In no case should a telegram or letter from the United States, or from any country beyond this Province, be acted upon for an offence committed beyond the Province, because the party complained of is not a criminal against our laws until a proper information has been laid.

and a warrant issued here for his apprehension ; and then he may be proceeded against, either under the Ashburton treaty, or under the provisions of any of our own statutes, which are herein referred to, (Wilson.)

Telegraph Works, Wilfully Damaging.—32-33 Vic., Cap. 22, sec. 41.

Any person who wilfully and maliciously cuts, breaks, molests, injures or destroys any instrument, cap, wire, post, line, pier or abutment, or the materials or property belonging thereto, or any other erection used for or by any line of electric magnetic telegraph in operation in this Province, under any Act in force herein, or wilfully and maliciously in any way obstructs, disturbs or impedes the action, operation or working of any such line of telegraph, shall, on conviction, be deemed guilty of a misdemeanour, and shall be punished by fine, not exceeding \$40, or imprisonment, not exceeding one month, or both, at the discretion of the court (one Justice of the Peace.)

Telegraph Operators Divulging.—44 Vic., Cap. 26, sec. 6.

Any telegraph operator, or other person in the employ of a telegraph company, who divulges the contents of any telegram, except when lawfully authorized or directed to do so, shall be guilty of an offence against this Act, and shall, on conviction thereof in a summary way before a stipendiary magistrate or a justice of the peace, be liable to a fine of not less than \$50 nor more than \$100, or to imprisonment for not more than six months, or to both fine and imprisonment, at the discretion of the magistrate or justice.

Sec. 5. Employees on telegraphs under the control of Government, are to make a declaration of secrecy, and are liable to the same fine and punishment as above, when guilty of an offence under this Act.

Temper.

A perfect command of temper is absolutely indispensable in the proper discharge of the duty of constable.

Harsh language on the part of constables to the public and persons in custody is not to be permitted.

Constables, if rudely treated themselves, are not justified in retaliating. All duties must be performed with firmness, but at the same time with moderation. Words, in themselves not objectionable, frequently give offence from the tone of voice in which they are uttered.

A constable must not allow himself to be moved or excited by any language or threats, however insolent. The cooler he keeps himself, the more power he will have over his assailant.

Idle or silly remarks are unworthy of notice, and if the persons making them see that they have no effect upon the constable, they will soon leave off.

Forbearance and moderation will always be appreciated by the public and county authorities. (From T. P. Force Reg.)

Thieves.

Constables are to take a note of all thieves and suspected persons in their neighbourhoods, and the number, dates, and particulars of previous convictions of such thieves.

Thistles, Canada.—Rev. Stat., Cap. 188.

Sec. 1 states that it shall be the duty of occupants of lands to cut down all Canada thistles growing thereon, so often in each and every year as is sufficient to prevent them going to seed, and if he knowingly suffers them to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, he shall, upon conviction, be liable to a fine of not less than \$2, nor more than \$10.

Any person who knowingly vends any grass or other seed among which there is any seed of the Canada thistle, shall, for every such offence upon conviction, be liable to a fine of not less than \$2, nor more than \$10. (See also 43 Vic., cap. 29.)

Threshing Machines, etc., to be protected.—Rev. Stat. Ont., Cap. 193.

All persons owning or running any threshing machine, wood-sawing, or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause the knuckles, couplings, joints, jacks, to be covered, to prevent injury to persons passing over or near such tumbling rod, etc., etc.

Any person neglecting or refusing to comply with the provisions of this Act shall, on conviction before one or more justices of the peace, be liable to a fine of not less than \$1, nor more than \$20 and costs, and, in default, imprisonment for a period of not less than two nor more than twenty days. Complainant is entitled to half fine.

Timber, Appropriating found Adrift.—40 Vic , Cap. 38.

Any person appropriating timber found adrift, or conceals, or receives, or purchases, or sells, or causes, or procures, or assists to be taken possession of, or collected, or received, or purchased, or sold, any timber, mast, spar, saw-logs or other description of lumber, which is found adrift in any river, stream or lake, or cast ashore on the bank or beach of any river, stream or lake ; or whosoever defaces the mark of the owner, or puts any false or counterfeit mark on the same, is guilty of a misdemeanour punishable in like manner as simple larceny.

Sub-sec. 2. If any constable or peace officer has reasonable cause to suspect that any timber, mast, spar, saw-log or other description of lumber, belonging to any lumberman or owner of lumber, and bearing the registered trade-mark of such lumberman or owner of lumber, is kept or detained in any saw-mill, mill-yard, boom or raft, without the knowledge or consent of the owner, it shall be lawful for such constable or peace officer to enter into or upon the same, and search or examine, for the purpose of ascertaining whether such timber, mast, spar, saw-log or other description of lumber is detained therein without such knowledge and consent.

Treason, High.—Geo. III., Cap. 7, sec. 1.

If any person or persons whatsoever, after the day of the passing of this Act (18th December, 1795), during the natural life of our most gracious Sovereign Lord the King, and until the end of the next session of Parliament, after a demise of the Crown, shall, within the realm or without

compass, imagine, assent, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint, of the person of his Majesty, his heirs and successors. . . And such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter or declare, by publishing any printing or writing, or by any overt act or deed, being legally convicted thereof upon the oaths of two lawful and credible witnesses upon trial, or otherwise convicted or attainted, by due course of law, then every such person and persons, so as aforesaid offending, shall be deemed, declared and adjudged to be a traitor and traitors, and shall suffer pains of death, and also lose and forfeit as in cases of high treason. (Made perpetual by 57 Geo. III., cap. 6, sec. 1.)

Treasonable Felony.—11-12 Vic., Cap. 12, sec. 3, Im.

If any person whatsoever, after the passing of this Act, shall, within the United Kingdom or without, compass, imagine, invent, or intend to deprive or depose our most gracious Lady the Queen, her heirs or successors from the style, honour, or royal name of the imperial crown of the United Kingdom, or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, her heirs or successors within any part of the United Kingdom, in order by force or constraint to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both houses or either house of parliament, or to move or stir any foreigner or

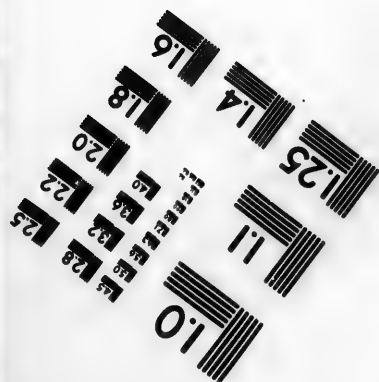
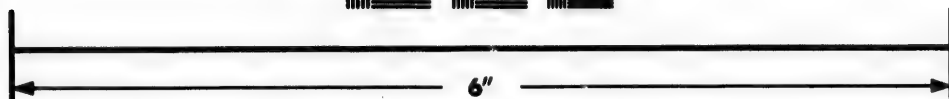
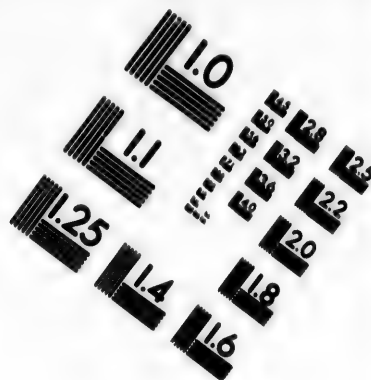
stranger with force to invade the United Kingdom, or any other Her Majesty's dominions or countries under the obeisance of Her Majesty, her heirs or successors; and such compassings, imaginations, inventions, devices or intentions, or any of them, shall express, utter or declare by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony; and being convicted thereof shall be liable, at the discretion of the court to be transported beyond the seas for the term of his or her natural life, or for any term not less than seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour, as the court shall direct. (See also 31 Vic., cap. 69, Dom.)

Trespass.—Rev. Stat. Ont., Cap. 195.

Sec. 1 says that this Act may be superseded by any by-laws enacted by a municipality under Rev. Stat., cap. 174, s. 463.

Sec. 2. The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such by-laws.

Sec. 3. If not previously replevied, the poundkeeper shall impound any horse, bull, ox, cow, sheep, goat, pig



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or other cattle, geese or other poultry, distrained for unlawfully running at large, or for trespassing, and doing damage, delivered to him for that purpose by any person within his division who has distrained the same; or, if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbour's premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any justice of the peace, and fined such sum as the justice directs.

Vagrants.—32-33 Vic., Cap. 28.

All idle persons who, not having visible means of maintaining themselves, live without employment; all persons, who, being able to work, wilfully refuse or neglect to do so; all persons openly exposing or exhibiting in any street, road, public place or highway, any indecent exhibition, or openly or indecently exposing their persons; all persons who, without a certificate signed within six months by a priest, clergyman or minister of the gospel, or two justices of the peace residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, wander about and beg, or who go about from door to door, or place themselves in the streets, highways, passages or places to beg or receive alms; all persons loitering in the streets or highways, and obstructing passengers by standing across the footpaths, or by using insulting language, or in any other way; in tearing down and defacing signs, breaking windows, doors or door-plates, or the walls of houses, roads or gardens, destroying fences, causing a disturbance in the streets or

highways by screaming, swearing or singing, or being drunk, or impeding or incommoding peaceable passengers; all common prostitutes or night walkers, wandering in the fields, public streets or highways, lanes or places of public meeting or gathering of people, not giving a satisfactory account of themselves; all keepers of bawdy houses and houses of ill-fame, or houses for the resort of prostitutes, and persons in the habit of frequenting such houses, not giving a satisfactory account of themselves; all persons who have no peaceable profession, or calling to maintain themselves by, but who do for the most part support themselves by gaming or crime, or by the avails of prostitution, shall be deemed vagrants, loose, idle or disorderly persons within the meaning of this Act, and shall, upon conviction before any stipendiary or police magistrate, mayor or warden, or any two justices of the peace, be deemed guilty of a misdemeanour, and be punished by imprisonment in any gaol or place of confinement, other than the penitentiary, for a term not exceeding six months, with or without hard labour, or by a fine not exceeding \$50, or by both, in the discretion of the justices.

Upon an information before two justices that any persons hereinbefore described as vagrant, loose, idle and disorderly persons, are, or are reasonably suspected to be harboured or concealed in any bawdy house, house of ill-fame, tavern or boarding house, may, by warrant, authorize any constable or other person to enter at any time such house or tavern, and to apprehend and bring them before such justices, all persons found therein so suspected as aforesaid.

See also 37 Vic., cap. 43, where the sentence may be either with or without hard labour, in the discretion of the convicting justices.

Violence, Threats and Molestation.—38 Vic., Cap. 39.

Amends 35 Vic., cap. 31, and says that every person who does any of the following acts, with the view as hereinafter mentioned, that is to say, who

Uses violence to any other person, or to the property of any other person; or

Threatens or intimidates any other person in such manner as would justify a justice of the peace (on complaint made to such justice) in binding over to keep the peace the person so threatening or intimidating; or molests or obstructs any other person,

By persistently following him about from place to place; or

By following him in or through any street or road with two or more persons in a disorderly manner; or by hiding, or depriving him of, or hindering him in the use of any tools, clothes or property, owned or used by him,

With a view in the case of any such act as aforesaid thereby to coerce such other person—

(1) Being a master, to dismiss or to cease to employ any workman; or, being a workman, to quit any employment, or to return work before it is finished;

(2) Being master, not to offer; or being workman, not to accept, any employment or work; or,

(3) Being a master or workman, to belong or not to belong to any temporary or permanent association or combination; or

(4) Being a master or workman, to pay any fine or penalty imposed by any temporary or permanent association or combination; or

(5) Being a master, to alter the mode of carrying on his business, or the number or description of any persons employed by him, with a view to coerce such master or other person—

Shall be liable to imprisonment for a term not exceeding three months.

A prosecution shall not be maintainable against a person for conspiracy to do any act, or to cause any act to be done, for the purpose of a trade combination, unless such act is an offence indictable by statute, or is punishable under the provisions of this Act.

Trade combination means any combination between masters or workmen, or other persons, for regulating or altering the relations between any persons, being masters or workmen, or the conduct of any master or workman in or in respect of his business or employment, or contract of employment or service, and the word act includes a default, breach or omission.

Warrants, Arresting on.

When a warrant is placed in a constable's hands for execution, he should satisfy himself that it is under the hand and seal of the Justices issuing same, that it is properly directed, viz.: "To all or any of the constables or other peace

officers in the county of, etc., etc. (32 and 33 Vic., cap. 30, form B.) It shall state shortly the matter of the information or complaint on which it is founded.

It shall name or otherwise describe the person against whom it has been issued.

It shall order the constable to apprehend the defendant, and to bring him before the Justice issuing the warrant, or some other Justice to answer the said charge.

It need not be made returnable at any particular time, but may remain in force until it is executed.

If the warrant is found deficient in any particular it should be taken to the Justice who issued it to have its defects rectified. The constable should make an entry in his memorandum book of the time of its receipt, and the necessary particulars.

The warrant should be executed with secrecy and despatch, and after execution the constable should endorse it with the date of its execution.

The constable should also ascertain from the warrant the nature of the offence, whether he knows the party named in the warrant, if not he should find out from the complainant the description, personal appearance, manner, dress, or any peculiarity by which he may be recognized, and it would be advisable for the constable, if possible, to take the complainant or some person who could point out the accused.

An arrest may be made in the night as well as the day, but not on Sunday, unless the offence charged includes a breach of the peace or felony.

The accused should be brought without delay before

the proper Magistrate, and it is the duty of the Magistrate to make such arrangements with the officer who is entrusted with the execution of the warrant, that the case be brought on to a hearing as speedily as possible after the arrest. To detain an accused person for an unreasonable time would be very improper, illegal and unjust.

If the accused person escape, go into or reside in another county, it will be necessary for the constable to have the warrant endorsed by a Justice having jurisdiction where the accused is. The constable, therefore, will wait upon a Justice having such jurisdiction, who will endorse the warrant on the constable making oath as to the signature of the Justice who issued the warrant (32-33 Vic., cap. 30, sec. 19), or, in case of fresh pursuit, at any place in the next adjoining territorial division, and within seven miles of the border of the first division, without having the warrant backed. Under 32-33 Vic., cap. 30, sec. 8, any Justice may grant and issue a warrant to apprehend any one charged for an indictable offence, or a search warrant on a Sunday as well as on any other day. It is also provided that no warrant or other process shall be served on the Lord's Day, except in cases of treason, felony or breach of the peace.

Without Warrant.—32-33 Vic., Cap. 29, Sec. 2.

Any person found committing an offence, punishable either upon indictment or upon summary conviction, may be immediately apprehended by any constable or peace officer without a warrant, or by the owner of the property on or with respect to which the offence is being com-

mitted, or by his servant, or any other person authorized by such owner, and shall be forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law.

A constable may arrest for any felony committed in his presence, and he is bound at all risks to use his best endeavours to do so. Nothing short of imminent danger to his life will excuse him for allowing the offender to escape.

He may also arrest on his own suspicion that a felony has been committed, and that the party he arrests is or was concerned in it.

When he arrests upon his own suspicion, it must not be upon any loose, vague suspicion, either of an offence having been committed, or of its having been committed by the person arrested, but he must, in the language of the law, have reasonable and probable cause for believing both of these facts. If he arrest without having reasonable and probable cause for so doing, he will be liable to answer in damages to the aggrieved party for making the arrest, but if he arrest under justifiable circumstances, he will not be liable for making the arrest, although the party taken was not concerned in the felony, nor will he be liable even although there was no felony at all committed. So, also, if a constable arrest one for a felony upon information derived from another, he will be fully authorized in doing so, if he had reasonable and probable cause for believing the information he got to be correct, and he will not be liable, although, as before stated, no felony, in fact, had been committed at all. (Wilson, 35.)

The constable, however, must be careful that he has

such reasonable and probable cause to justify his proceedings, for, if he have not, he will be liable, in like manner as any one else would be, for his malicious conduct. The constable then should consider—

- (1) Who it is that gives him information.
- (2) Who the person is who is alleged to have committed the offence.
- (3) The general probability of the facts narrated. For instance, a constable is not justified in apprehending a person, as receiver of stolen goods, on the mere assertion of the principal felon.

So it also follows, if he arrest on his own suspicion of the party being a felon, or upon information communicated to him by another, he should not detain the party arrested after his suspicions are, or ought to be, entirely removed, or if he discover the information which was given him to be false or untrustworthy. (Wilson, 36.)

Thus, if a constable arrest on a suspicion of theft, and after searching the party, discover nothing, and the suspicion appears to be groundless, he may discharge the party out of his custody without taking him before a Magistrate.

A constable may arrest on information of others that a party has committed a felony. Thus, if a reasonable charge of felony is made against a person who is given in charge to a constable, the constable is bound to take him, and he will be justified in so doing, though the charge may turn out to be unfounded.

A constable may justify an arrest on a reasonable charge of felony without warrant, although it should afterwards

appear that no felony had been committed, but a private individual cannot.

A constable is justified in apprehending a person on suspicion of felony, if he have reasonable or probable cause to believe that the party charged is the felon.

Also, any person whom he finds loitering on any highway, yard, or other place, during the night, and whom he has good cause to suspect of having committed, or being about to commit, a felony, and detain such person, and bring him before a Justice, before noon the following day, to be dealt with according to law. (32-33 Vic., cap. 29, sec. 5.)

A constable is bound to take up any one committing a breach of the peace in his view. He may also, when there has been a breach of the peace, though not in his presence, and in order to prevent a renewal of it, arrest one whom he has good reason to believe is about to break it.

But, when no breach of the peace has taken place in his view, and there is no likelihood of its being broken, he cannot, either at his own instance or a complaint of any one, without a warrant, unless specially authorized by statute. Neither can a constable receive any person from another, who has been arrested by that other, for an alleged breach of the peace, unless at his own risk; that is, if the party taken have broken the peace, the constable will be right in receiving him into his custody, but if he have not, the constable will be liable in taking him, in like manner as the other will who delivered him to the constable.

The general rule, therefore, for a constable is never to

arrest or receive any one into his custody for any offence less than a felony, unless—

(1) The constable has either seen the offence committed, or

(2) Fears a breach of the peace, or

(3) Unless a warrant authorizing the arrest is delivered to him. (Wilson, 25.)

The following statutes give the power to arrest without warrant :—

32-33 Vic., cap. 18, sec. 33. Offences relating to Coin.

32-33 Vic., cap. 20, sec. 37. Disturbing Meetings for Religious, Moral, etc., Purposes.

32-33 Vic., cap. 24, sec. 8. Preservation of Peace on Public Works.

32-33 Vic., cap. 25, sec. 7. Apprehension of Deserters from Army or Navy.

32-33 Vic., cap. 27, sec. 4. Cruelty to Animals.

31 Vic., cap. 70, sec. 4. Respecting Riots and Riotous Assemblies.

32-33 Vic., cap. 21, sec. 117. Larceny Act. Any person found committing an offence punishable either upon indictment or upon summary conviction.

That if any person to whom stolen property is offered to be sold, pawned or delivered, has reasonable cause to suspect that such an offence has been committed, he may, and, if in his power, shall apprehend the party offering the same, together with the property, and take him before a Justice of the Peace.

Wolves, Destroying.—Rev. Stat., Ont., Cap. 202.

Provides that if any person produces the head of a wolf, with the ears on, before any Justice of the Peace, and makes oath or affirmation to the satisfaction of such Justice that the wolf was killed in the county, he shall be entitled to receive the sum of \$6 as a bounty.

Women, Offences Relating to.—32-33 Vic., Cap. 20, Sec. 49 to 61.**Wounding, Felonious.**—32-33 Vic., Cap. 20, sec. 17.**Wounding, Unlawfully and Maliciously.**—32-33 Vic., Cap. 20, Sec. 19.

SCHEDULE "A."

CONSTABLES' TARIFF OF FEES.

Rev. Stat. Ont., Cap. 84, page 898.

1. Arrest of each individual upon a warrant (to be paid out of the County funds, or by the party, as the case may be)..... \$1 50
2. Serving summons or subpoena (to be paid out of the County funds, or by the party, as the case may be) 0 25
3. Mileage, to serve summons, subpoena or warrant (to be paid out of the County funds, or by the party, as the case may be) 0 10
4. Mileage, when service cannot be effected upon due proof of diligence (to be paid out of the County funds, or by the party, as the case may be)..... 0 10
5. Mileage, taking prisoner to gaol, exclusive of disbursements necessarily expended in conveyance 0 10
6. Attending Justices on summary trials, or on examination of prisoners charged with crime, for each day necessarily employed in one or more cases, when not engaged more than four hours 1 00
7. Do., when engaged more than four hours 1 50
8. Attending Assizes or Sessions, each day..... 1 50

9. Mileage, travelling to attend Assizes, Sessions, or before Justices (when public conveyance can be taken, only reasonable disbursements to be allowed)..... 0 10
10. Summoning Jury for Coroner's Inquest, including attending at Inquest, and all services in respect thereof, if held on same day as Jury summoned 2 00
11. Attending each adjournment thereof, if not engaged more than four hours 1 00
12. Do., if engaged more than four hours..... 1 50
13. Serving summons or subpœna to attend before Coroner (subject to No. 10) 0 25
14. Mileage, serving same..... 0 10
15. Exhuming body under Coroner's warrant 2 00
16. Re-burying same 2 00
17. Serving distress warrant and returning same.. 1 50
18. Advertising under distress warrant 1 00
19. Travelling to make distress or to search for goods to make distress when no goods are found (per mile) 0 10
20. Appraisements, whether by one Appraiser or more, two cents on the dollar on the value of the goods.
21. Catalogue sale and commission and delivery of goods, five cents on the dollar on the net produce of the goods.
22. Executing search warrant (1) 1 50
23. Serving notices on constable, when personally served 0 50

Rev. Stat. Ont., Cap. 86, page 906.

1. Arrest of each individual upon a warrant, if payable by the Crown. (Tariff, item 1).
 2. Serving summons or subpœna, if payable by the Crown. (Tariff, item 2).
 3. Mileage, if payable by the Crown. (Tariff, item 4).
 4. Mileage, in going to serve summons or warrant, when the service has not been effected, the Board of Audit being satisfied that due diligence was used, if payable by the Crown. (Tariff, item 4).
 5. Attending Assizes or Sessions. (Tariff, item 8).
 6. Attending any Justice on summary trials, or on the examination of prisoners charged with any crime. (Tariff, items 6 and 7).
 7. Taking prisoners to gaol, and disbursements necessarily expended in their conveyance. (Tariff, item 5).
 8. Summoning Jury for Inquest, and services at same. (Tariff, item 10).
 9. Attending Inquest, for each day, other than the first. (Tariff, items 11 and 12).
 10. Serving summons or subpœna to attend before Coroner. (Tariff, item 13).
 11. Mileage, serving same. (Tariff, item 14).
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1. Constables' accounts are to be sent in to the Clerk of the Peace on or before the 1st days of January, April, July and October.
2. Accounts for coroners' constables, and for services in which the defendant is committed to gaol to await

trial, on an indictable offence, or on bail taken for his attendance at such Court, are payable by the Crown, and must be rendered in duplicate to the Clerk of the Peace, on the days above stated, and Circular No. 9, says:— "That in future, constables will be required to state in every account for arrest, or conveyance of prisoners, the nature of the crime upon which the prisoners were arrested, and whether they have been tried, or held over for trial before the Assizes, Quarter Sessions, or other Courts." It then directs the Treasurer "to defer any accounts that may be deficient of the required information, and return them to the constables for correction."

3. Accounts for services held summary, before Justices of the Peace, and the prisoners committed to gaol, in default of paying fine and costs, are payable by the County, and are to be sent to the Clerk of the Peace in single form on the days above stated.

4. Accounts for services in cases where a prisoner is charged with an indictable offence, but has been dismissed by the Justices, are payable by the County, and are to be rendered in single form to the Clerk of the Peace on the days above mentioned.

5. Circular, No. 1 states:—"The fee for executing a search warrant, other than for the arrest, are payable by the County." If, however, the goods alleged to be stolen cannot be found, it has been considered the proper course to make the informant pay.

6. Accounts are to be certified by the Coroner or Justice, under whose direction the services charged for have been performed. The dates are to be placed in the pro-

per column of the account. The accounts must be sworn to by constable before a Justice of the Peace.

7. Mileage, at 10 cents per mile, going to arrest, covers hire of conveyance, and the account must show the names of places going from, and the place arrived at, to make such service or arrest. Going to make service or arrest, and returning, are covered by the charge, 10 cents per mile, one way.

8. Mileage, taking prisoner to gaol, covers constable's fees; he will, however, be allowed for the hire of conveyance for prisoner, but must avail himself of the cheapest route, and will not be allowed the expense of a wagon, if he can travel by the railroad.

9. Should one constable be insufficient to effect an arrest, another constable or constables, or specials may be required to act, and conveyance employed by order of the Justice or Coroner, the accounts for such assistance are to be rendered as other constables' accounts, the Coroner or Justice certifying the correctness of the charges, and that the assistance and conveyance were necessary.

10. A constable who pursues a criminal from County to County, under a warrant, properly endorsed, is entitled to mileage, as for arrest in his County. And where constables, under authority, and by command of the Executive Government, pursue criminals beyond the limits of the Province, a fair allowance ought to be given them to cover expenses, but in no other case is a constable entitled to any allowance for the pursuit of a prisoner beyond the limit of the Province. (See Circular, No. 3).

11. Accounts, as audited, will be paid at once by the County Treasurer, upon application to him.

12. Sec. 477, Cap. 174, Rev. Stat. Ont., provides for payment of a reward for apprehending a horse thief (on Judge's order).

13. A constable should be very particular in making up his costs correctly, and strictly in accordance with the law; any overcharge renders him liable to the penalty of forty dollars (Con. Stat. U. C., c. 119, s. 8). If two or more cases are heard at the same time, he is entitled to only one dollar and a half for the whole day; he must therefore divide the attendance fee equally among the parties. If there are two cases, he will charge 75 cents in each case; if four cases, 37½ cents in each case. In the service of summons, he is entitled only to his mileage for every mile necessarily travelled from the Magistrates' office, till the last summons has been served, and not the mileage upon each summons, separately, from the Magistrate's office. (McNab's Magistrates' Manual, p. 192.

14. Constables who are summoned in their capacity as constables, to attend the Courts of Oyer and Terminer, General Sessions, and County Judge's Criminal Court, but who live less than one mile from the County Town, are entitled to receive one dollar per diem, as witness fees, and must send in their accounts for same on the quarterly days, as per number 2.

15. Constables who find, or are given a dead body in charge, and on which the Coroner declines to hold an in-

quest, are entitled to be paid by the Township or Village Municipality, according to tariff, per diem, and other reasonable charges.

16. Constables who are called on by private persons to do watching at night, or other duties, expect to be paid by the parties so employing them, as the County will not pay for anything that is not brought before a Justice of the Peace, and proceedings commenced before him.

17. In dismissed cases before Justices, the constable is entitled to receive his costs from the complainant, unless otherwise ordered by Justice.

18. It is laid down in Cap. 119, Con. Stat. U. C., that :
—" For information and warrant for surety of the Peace, and for warrant of commitment in default of surety, the Justice is to be paid one dollar by the complainant, and it is therefore to be inferred, that the complainant will also pay the constable, except the costs of taking prisoner to gaol, in default of sureties.

19. Court constables are paid one dollar and fifty cents per diem, and a charge for attending a jury at night will be allowed, when attendance of constable exceeds twelve hours from the opening of the Court.

SCHEDULE "B."

FELONIES.	REIGN	CAP.	SEC.
Abduction	32 & 33	20	54-56
Abortion or attempt to procure	32 & 33	20	59-60
Accessories and abettors (in Felonies)	31	72	
Accusing of an infamous crime, with intent to extort.....	32 & 33	21	46
Aggressions, Lawless, by Foreigners.	31	14	2-4
Arson	32 & 33	22	1-12
Assault, with intent to rob	32 & 33	21	41
Attempt to murder	32 & 33	20	10
Bailee, Fraudulent	32 & 33	21	3
Bestiality	32 & 33	20	63
Bigamy	32 & 33	20	58
Burglary	32 & 33	21	50
Carnally knowing girls under ten years	40	28	2
Cattle stealing	32 & 33	21	10-11
Child stealing	32 & 33	20	57
Choking, suffocating, etc., or att ing to	32 & 33	20	20
Coinage offences	32 & 33	18	
Conspiracy to intimidate a Legislative body	31	71	
Corruptly taking a reward without bringing the offenders to trial	32 & 33	21	115
Demanding money, etc., with menaces	32 & 33	21	43-4
Embezzlement	32 & 33	21	70
Escape during conveyance to peniten- tiary	38	44	26
Extort—Letter threatening to accuse of crime, with intent to	32 & 33	21	45

SCHEDULE "B."—Continued.

FELONIES.	REIGN	CAP.	SEC.
Forgery	32 & 33	19	
Gunpowder, exploding with intent ..	32 & 33	20	27-29
Horses, Stealing	32 & 33	21	10
Housebreaking.....	32 & 33	21	56
Infants, Abuse of.....	40	28	2
Kidnapping	32 & 33	20	69-71
Land, Larceny of things belonging to	32 & 33	21	20-1
Larceny	32 & 33	21	
Letters, Sending threatening, to murder	32 & 33	20	15
Letter threatening to accuse with crime, with intent to extort	32 & 33	21	45
Malicious injury to property	32 & 33	22	
Manslaughter	32 & 33	20	5
Menaces, Demanding money, etc., with Military and naval stores, Offences relating to.....	32 & 33	21	43-4
Mines, Ores; Metals, Larceny of	32 & 33	26	4
Murder	32 & 33	21	28-37
	32 & 33	20	1
Partners, Larceny by	32 & 33	21	38
Personating the owner of stocks or shares to transfer, etc., dividends ..	32 & 33	19	6
Piracy.....	32 & 33	29	136
Poisoning offences	32 & 33	20	10-23
Post Office, Offences relating to	38	7	72
Railway Tickets, Stealing.....	32 & 33	21	19

SCHEDULE "B."—Continued.

FELONIES.	REIGN	CAP.	SEC.
Railway Trains, Placing wood, etc., on line, with intent to upset or obstruct	32 & 33	22	39
Rape	36	50	
Receiving stolen goods, knowing them to be stolen	32 & 33	21	100
Rescuing prisoner while being con- veyed to penitentiary	38	44	29
Riots and Unlawful Assemblies	31	70	
Robbery.....	32 & 33	21	39
Sacrilege	32 & 33	21	49
Setting fire to churches, dwelling houses, etc.....	32 & 33	22	1-8
Shooting, or attempting to shoot	32 & 33	20	17
Sodomy	32 & 33	20	63
Treason	31	69	
Unnatural Offences.....	32 & 33	20	63
Wounding, with intent	32 & 33	20	10-14

NOTE.—If a felony be committed in the presence of a constable, it is his duty at once to take the offender into custody; and he is bound, at all risks, to use his best endeavours to do so. Nothing short of imminent danger to his life will excuse him for allowing the offender to escape. (Patton.)

A constable may arrest any one whom he has reasonable and just cause to suspect has committed, or is about to commit a felony. (See *Arrest without Warrant*.)

SCHEDULE "C."

MISDEMEANORS AND OTHER OFFENCES NOT FELONIES.	REIGN	CAP.	SEC.
Abandoning or exposing children....	32-33	20	26
Abortion, Procuring drugs or instru- ments to cause.....	32-33	20	60
Accessories and abettors in misde- meanour	31	72	
Adulterating food or drink	37	8	22
Assault, Common,.....	32-33	20	43
	43	37	
Assaulting clergyman or other minis- ter	32-33	20	36
" magistrate engaged in pre- serving wreck	32-33	20	38
" with intent to commit felony	32-33	20	39
" peace officers.....	32-33	20	39
" with intent to obstruct the sale of grain	32-33	20	40
" seamen	32-33	20	41
" occasioning bodily harm..	32-33	20	47
" indecently	32-33	20	53
" " on a male person	32-33	20	64
Battery	32-33	20	43
Betting and pool selling.....	40	31	
Bowie knives, Carrying, etc.....	32-33	20	72
Breaches of contract	40	35	
Burglars' tools, etc., found in pos- session by night, etc.	32-33	21	59
Carnally knowing girls between ten and twelve years	32-33	20	52
Concealing birth of child	32-33	20	61

SCHEDULE "C."—Continued.

MISDEMEANORS AND OTHER OFFENCES NOT FELONIES.	REIGN	CAP.	SEC.
Contract, Breach of, by servants, companies, etc	40	35	
Cruelty to animals	32-33	27	
	43	38	
Daggers (see Bowie Knives, etc.)			
Damaging trees to the amount of 25 cents	32-33	22	26
Disturbing meetings for religious, moral or social purposes	32-33	20	37
Dog stealing	32-33	21	12-13
Dog tax, Evading payment of	R.S.O.	194	6
Extortion	26Geo. II.	14	2
False pretences	32-33	21	93-99
Fire arms, Having on the person with reasonable excuse	40	30	
Furious driving	32-33	20	34
Gambling in public conveyances	40	32	
Gaming houses.....	38	41	
	40	33	
Gunpowder, Making, to commit of- fences	32-33	20	66-68
Injuries to works of art, etc.....	32-33	22	43
Libel	37	38	
Liquor License Act, Inspection of ..	R.S.O.	181	
Lotteries, Suppression of	C.S.C.	95	
Mails, Abandoning or Obstructing ..	40	34	I

SCHEDULE "C."—Continued.

MISDEMEANORS AND OTHER OFFENCES NOT FELONIES.	REIGN	CAP.	SEC.
Master and Servant	40	35	
Maliciously destroying fruit or veget- able in a garden	32-33	22	27
Merchandise, Fraudulent marking of	35	32	
Neglecting to provide for wife, child, etc.	32-33	20	25
Negligently causing bodily injuries..	32-33	20	35
Pawnbrokers, Offences by	R.S.O.	148	
Peace on Public Works, Breach of..	32-33	24	
Perjury	32-33	23	
Petty Trespasses	25	22	2
Post Letter, Pretending to have in- closed money in	32-33	21	96
Procuring the defilement of girl under age	32-33	20	50
Sabbath breaking	R.S.O.	189	
Salmon, Pickerel, Black Bass (Orders in Council).			
Setting fire by negligence	32-33	22	9
Swearing, Municipal By-law.....			
Tavern and Shop License Act, In- spection of.....	R.S.O.	181	94
Telegraph, Injuring	32-33	22	41
Telegraph Operators divulging de- spatches	R.S.O.	151	8
Thistles, Canada	R.S.O.	188	
Threshing Machines	R.S.O.	193	

SCHEDULE "C."—*Continued.*

MISDEMEANORS AND OTHER OFFENCES NOT FELONIES.	REIGN	CAP.	SEC.
Threatening (Municipal By-law).			
Timber, Appropriating, found adrift.	38	40	
Trade Combination.....	39	37	
Vagrants	32-33	28	
Violence, Threats and Molestation ..	39	37	
Wounding, Unlawful	32-33	20	19

NOTE.—Any person found committing an offence punishable upon indictment, or upon summary conviction (before a justice or justices of the peace), may be immediately apprehended by any constable or peace officer, without a warrant, or by the owner of the property on or with respect to which the offence is being committed, or by his servant or any other person authorized by such owner, and shall be forthwith taken before some neighbouring justice of the peace, to be dealt with according to law. 32-33 Vic., cap. 29, sec. 2.

